

# **EXHIBIT K**

**All Nippon Airways  
vs.  
United Air Lines**

Deposition of

**Teruo Usui**

Volume 1

November 29, 2007

Reported By: Brandon Combs, CSR 12978  
Job Number: 1-6058



Teruo Usui

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 --o0o--</p> <p>4 ALL NIPPON AIRWAYS COMPANY, )</p> <p>5 LTD., )</p> <p>6 Plaintiff, )</p> <p>7 vs. ) No. C07-03422 EDL</p> <p>8 UNITED AIR LINES, INC., )</p> <p>9 Defendant. )</p> <p>10</p> <p>11 --o0o--</p> <p>12 BE IT REMEMBERED THAT, pursuant to Notice and</p> <p>13 on Thursday, November 29, 2007, commencing at</p> <p>14 10:01 a.m. thereof at 595 Market Street, Suite 620,</p> <p>15 San Francisco, California, before me, BRANDON D. COMBS,</p> <p>16 a Certified Shorthand Reporter, personally appeared</p> <p>17 TERUO USUI,</p> <p>18 called as a witness by the Defendant being first duly</p> <p>19 sworn, testified as follows:</p> <p>20 --o0o--</p> <p>21 JAFFE, RAITT, HEUER &amp; WEISS, 27777 Franklin</p> <p>22 Road, Suite 2500, Southfield, MI 48034-8214, represented</p> <p>23 by SCOTT R. TORPEY, Attorney at Law, appeared as counsel</p> <p>24 on behalf of the Defendant.</p> <p>25 CONDON &amp; FORSYTH, LLP, Times Square Tower,</p>	<p>1 MR. TORPEY: Scott Torpey on behalf of</p> <p>2 United Airlines.</p> <p>3 MR. WORTHE: Jeff Worthe on behalf of</p> <p>4 United Airlines.</p> <p>5 MR. FUS: Steve Fus, United Airlines.</p> <p>6 MR. TURNER: Marshall Turner for All Nippon</p> <p>7 Airways.</p> <p>8 MR. ESKRIDGE: Timothy Eskridge for All Nippon</p> <p>9 Airways.</p> <p>10 MR. SAKAMOTO: Shigeru Sakamoto.</p> <p>11 MR. MIZUNO: Yoshihiro Mizuno for All Nippon</p> <p>12 Airways.</p> <p>13 THE VIDEOGRAPHER: The court reporter today is</p> <p>14 Brandon Combs of Combs Reporting. And would the</p> <p>15 reporter please administer the oath to the interpreter</p> <p>16 and the witness -- to both interpreters.</p> <p>17 (After being duly sworn, the interpreters,</p> <p>18 Satoe Ohari and Sadaaki Matsutani, translated</p> <p>19 questions put to the witness into the Japanese</p> <p>20 language and the answers thereto given by the</p> <p>21 witness were translated into the English</p> <p>22 language.)</p> <p>23 THE VIDEOGRAPHER: Please begin.</p> <p>24 EXAMINATION BY MR. TORPEY</p> <p>25 MR. TORPEY: Q. Good morning, Mr. Usui.</p>

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Teruo Usui

<p style="text-align: right;">Page 6</p> <p>1 A. Morning.</p> <p>2 Q. Where are you employed, sir?</p> <p>3 A. All Nippon Airway.</p> <p>4 Q. And how long have you been there?</p> <p>5 A. 28 years.</p> <p>6 Q. And what is your current position?</p> <p>7 A. I am captain of the Boeing 777 model.</p> <p>8 Q. Is there a chief pilot for All Nippon Airways?</p> <p>9 A. By chief pilot, what sort of ranking would</p> <p>10 that be?</p> <p>11 Q. Well, is there somebody who is in charge of</p> <p>12 all pilots for All Nippon?</p> <p>13 A. Yes.</p> <p>14 Q. Who would that be?</p> <p>15 A. Are you referring to the chief, to the group</p> <p>16 that I belong to, or to the chief for all Boeing 777</p> <p>17 models?</p> <p>18 CHECK INTERPRETER: Passenger. Never mind.</p> <p>19 That's okay.</p> <p>20 MR. TORPEY: Q. What group do you belong to?</p> <p>21 A. It's a training department.</p> <p>22 Q. What position do you hold in the training</p> <p>23 department?</p> <p>24 A. I am the training or educational officer.</p> <p>25 Q. That's your title, educational or training</p>	<p style="text-align: right;">Page 8</p> <p>1 exams periodically to ANA pilots?</p> <p>2 CHECK INTERPRETER: Proficiency meaning</p> <p>3 language proficiency? The interpreter interpreted it as</p> <p>4 being language proficiency.</p> <p>5 MR. TORPEY: Let me just say this. With all</p> <p>6 due respect, sir, I'm not here to take your deposition.</p> <p>7 If he has a question on that, I'm sure he'll raise it.</p> <p>8 I don't know how much you know about aircrafts or</p> <p>9 flying, that's a term of art. He's a professional. I</p> <p>10 bet he knows what that is.</p> <p>11 CHECK INTERPRETER: The lead interpreter</p> <p>12 interpreted as a language proficiency. That's why the</p> <p>13 checking interpreter is concerned.</p> <p>14 MR. WORTHE: Well, that's your opinion.</p> <p>15 MR. TURNER: It seems to me the interpreters</p> <p>16 have been dealing with any suggestions among themselves</p> <p>17 very well, and I don't see any reason for this</p> <p>18 discussion to be going on. But it's your deposition.</p> <p>19 You can conduct it the way you want.</p> <p>20 MR. TORPEY: This gentleman has only been at</p> <p>21 the deposition for the last two days for less than an</p> <p>22 hour when he left to take part in the deposition</p> <p>23 preparation for the next day's witness. This is the</p> <p>24 last day and apparently he's going to be here all day.</p> <p>25 I do not intend to waste my deposition time</p>
<p style="text-align: right;">Page 7</p> <p>1 officer?</p> <p>2 A. Yes.</p> <p>3 CHECK INTERPRETER: May the checking</p> <p>4 interpreter propose perhaps "an instructor"?</p> <p>5 MR. TORPEY: I don't want this deposition to</p> <p>6 turn into a battle of the interpreters. If there's</p> <p>7 something significant, I'd like you to raise it, but --</p> <p>8 CHECK INTERPRETER: I'm just --</p> <p>9 MR. TURNER: I want to comment, it hasn't been</p> <p>10 a battle of the interpreters.</p> <p>11 MR. TORPEY: He hasn't been here, and he</p> <p>12 probably will sit in today. Read back the answer, the</p> <p>13 answer to his title.</p> <p>14 THE INTERPRETER: Training or educational</p> <p>15 officer.</p> <p>16 MR. TORPEY: Okay. Thanks.</p> <p>17 Q. And do you train beyond the 777 aircraft, or</p> <p>18 is that your specialty?</p> <p>19 A. No. Just B777.</p> <p>20 Q. And how long have you been the training and</p> <p>21 educational officer on the 777?</p> <p>22 A. Seven years.</p> <p>23 Q. Are you familiar with the term check airman?</p> <p>24 A. What does that person do?</p> <p>25 Q. Do you give proficiency checks or proficiency</p>	<p style="text-align: right;">Page 9</p> <p>1 with the interpreters apparently disagreeing. I brought</p> <p>2 an interpreter. She's the interpreter for this</p> <p>3 deposition. Your interpreter is welcome to whisper in</p> <p>4 your ear, whatever, but I don't want this deposition to</p> <p>5 be taken up with problems with the interpreter.</p> <p>6 MR. TURNER: The only significant time</p> <p>7 consumption has been your discussion about it.</p> <p>8 MR. TORPEY: There's going to be no discussion</p> <p>9 about this. Read back the question, please.</p> <p>10 (Record read by the reporter.)</p> <p>11 MR. TURNER: I'd like to note a comment on the</p> <p>12 record as to the translation as to whether or not this</p> <p>13 interpreter has translated the term proficiency as</p> <p>14 "language proficiency" as opposed to "piloting</p> <p>15 proficiency." That's my comment.</p> <p>16 MR. TORPEY: Q. The answer?</p> <p>17 A. With regards to a regular examination, I give</p> <p>18 an annual examination to the pilots.</p> <p>19 Q. Is there some type of regulation, sir, that</p> <p>20 requires an annual proficiency exam or check?</p> <p>21 A. It's a company rule.</p> <p>22 Q. And when you give these proficiency exams, is</p> <p>23 it a written exam or a performance exam? Just describe</p> <p>24 for me a little bit about what you do and how you do it.</p> <p>25 A. It is a performance exam. I did say pilot,</p>

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<p style="text-align: right;">Page 10</p> <p>1 but there are captains and copilots. This exams is  2 given only to copilots.  3 Q. And the exam that's given only to the copilots  4 or check ride, how long has that been the policy of ANA?  5 A. From about four to five years ago.  6 Q. Would that make it around 2002, 2001?  7 A. I obtained the license in 2004, so it was from  8 2004.  9 Q. Oh, I understand. But before you were  10 licensed as a proficiency examiner, was that still the  11 rule that only copilots would get the proficiency check?  12 A. One moment, please.  13 Q. No problem.  14 A. It is 2007 today, so -- well, I obtained the  15 license in -- at the end of 2003, so it has been four  16 years.  17 Q. Can you tell me when at the end of '03 you  18 became a check airman or proficiency officer?  19 A. I do not have a recollection of exactly when  20 it was.  21 Q. Would it have been sometime before October of  22 2003?  23 A. After.  24 Q. Do you know if it was in October or was it  25 after October, 2003?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. In order to obtain this qualification, I had  2 to have knowledge about the flight, the crew as well as  3 requirements of the aviation board since the exam was  4 being done for the aviation board.  5 Q. When you refer to the aviation board, what  6 specific organization are you referring to?  7 A. It is the aviation board of the transportation  8 ministry.  9 Q. Is that of Japan?  10 A. Yes.  11 Q. And you said that you had to be familiar with  12 aviation regulations. Would those include any -- is  13 there a set of regulations governing aviation in the  14 country of Japan?  15 A. It is a Japanese aviation law.  16 Q. Now, do you also have to be familiar with the  17 United States federal aviation regulations?  18 A. No.  19 Q. Is there someone in your company who is  20 charged with the obligation of knowing the U.S. federal  21 aviation regulations?  22 A. I've never heard about that.  23 Q. Do you know if there's any regulation -- do  24 you know one way or the other if there's any regulation  25 or other rule in Japan which requires compliance with</p>
<p style="text-align: right;">Page 11</p> <p>1 A. After.  2 Q. If you wanted to get the exact date when you  3 were -- when you became a proficiency officer, where  4 would you look for that information?  5 A. There is a Japanese aviation certificate, so  6 if I check that, I will be able to know.  7 Q. Is that something you carry with you?  8 A. No.  9 Q. What did you have to do -- or how long was the  10 process -- strike that.  11 What did you have to do and for what period of  12 time to qualify as a proficiency officer?  13 A. I was.  14 THE INTERPRETER: The interpreter will  15 restate.  16 THE WITNESS: I had to have knowledge about  17 aviation regulations, the judgment standards for the  18 examination. Also, since this is a company internal  19 examination, it had to be done or rather I had to do the  20 guiding in a manner that would be authorized by the  21 aviation board.  22 MR. TORPEY: Q. You said that one of the  23 things you had to do was to know the aviation  24 regulations. Can you tell me what regulations you're  25 referring to.</p>	<p style="text-align: right;">Page 13</p> <p>1 U.S. federal aviation regulations?  2 A. I do not know.  3 Q. When aircraft -- when ANA aircraft come to the  4 United States and land or take off from airports within  5 the United States, you agree with me that they are  6 obligated to comply with U.S. federal aviation  7 regulations; correct?  8 A. When we fly to the U.S., we have not seen any  9 particular difference.  10 THE INTERPRETER: The interpreter will  11 restate.  12 THE WITNESS: When we fly to the U.S., I have  13 not seen any material regarding the difference in  14 aviation laws of Japan and the U.S. at the company. We  15 study ATC material. So I am not -- I am not aware about  16 the compliance with FAA aviation regulations. We study  17 how to fly.  18 MR. TORPEY: Q. Well, there are Japan  19 aviation regulations that govern how your pilots on your  20 aircraft fly; correct? Or how their supposed to fly?  21 A. I don't understand.  22 Q. Let me get back to the original question, sir.  23 As the educational and training officer of  24 ANA, do you believe that when an ANA aircraft lands or  25 takes off from San Francisco International Airport here</p>

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<p style="text-align: right;">Page 14</p> <p>1 in San Francisco, California, that the flight crew of  2 that ANA aircraft while in the United States on the  3 ground have to comply with U.S. federal aviation  4 regulations relative to the operation of their aircraft  5 at that U.S. airport?  6 A. First of all, although I am a training  7 officer, my work is related to technical matters. Also,  8 when we fly to the U.S., we follow the way of the U.S.  9 in flying.  10 Q. Let me see if I understand you. You,  11 yourself, are a captain and act as pilot in command of a  12 777 including flights to airports in the United States;  13 correct?  14 A. Yes.  15 Q. And when you, as the pilot in command, are  16 flying an aircraft and landing at San Francisco or  17 piloting an aircraft taking off from San Francisco, you  18 understand that you and your crew members, while at the  19 U.S. airport, must comply with U.S. federal aviation  20 regulations with regard to the operation of your  21 aircraft; correct?  22 A. To state it simply, I am not too conscious  23 about that. We follow the way that we must fly in the  24 U.S. I'm not too conscious about regulations, per se.  25 Q. Well, I don't know what you mean by not too</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And you agree with me then that in operating  2 an aircraft, for example, taxiing an aircraft at  3 San Francisco International Airport, ANA pilots are  4 required to comply with the U.S. federal aviation  5 regulations; correct?  6 A. When we fly in the U.S., including movement on  7 land such as taxiing, we do it in a manner that was  8 taught to us by our company, so I believe we are  9 satisfying the regulations.  10 Q. Okay. Thank you, sir.  11 Let me just ask a few more things on  12 background here. The route manual, you're familiar with  13 what the route manual is I take it?  14 A. You're talking about the route manual  15 distributed by the company?  16 Q. That's correct, sir.  17 A. Yes.  18 Q. Does the route manual have in it specific  19 regulations, whether Japan regulations or U.S. federal  20 aviation regulations? Does it quote specific  21 regulations in that manual?  22 A. There are no regulations, per se. There's no  23 the description of the law.  24 Q. Okay. Would that be in the operations manual,  25 or do you know if it's in any particular manual that's</p>
<p style="text-align: right;">Page 15</p> <p>1 conscious. I guess what I'm saying to you, sir, is you  2 are commercial airline pilot that flies a 777 aircraft  3 to and from U.S. airports.  4 My question simply is are you or are you not  5 required to comply with U.S. federal aviation  6 regulations when you are flying into or out of a  7 United States airport?  8 A. We follow the way flying is done in the U.S.,  9 so I believe we are satisfying the FAA requirements.  10 Q. And I think I understand you. Let me show you  11 what is -- let me mark this. I don't know what number  12 that is.  13 (Whereupon, Exhibit 14 was marked for  14 identification.)  15 (Discussion off the record.)  16 MR. TORPEY: Q. Mr. Usui, let me show you  17 what we've marked Exhibit 14, which is a page from the  18 federal aviation regulations, in particular, 49CFR part  19 91.1 titled, applicability under subsection A, among  20 other things, it says there, this part prescribes rules  21 governing the operation of aircraft within the  22 United States including the waters within three nautical  23 miles of the U.S. coast.  24 Do you see that?  25 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 distributed by ANA?  2 A. In the route manual, there is a basic  3 examination in a section called ATC, and that section  4 contains abstracts or typical information.  5 Q. And I apologize if I asked this, sir, but when  6 you give proficiency exams or check rides, did you say  7 there is a written component, or is it you strictly  8 observe the performance of the pilots you're evaluating?  9 A. Only the technical portion.  10 Q. I'm not following you. What do you mean by  11 the technical portion? Is that you have to watch them  12 do something, or do you give them a written test of some  13 type?  14 A. There is no written examination.  15 Q. Do you perform your evaluation by sitting in  16 the cockpit of an aircraft that they're flying, or do  17 you watch them in a simulator, or how do you do it?  18 What's the setting you perform this proficiency check?  19 A. We use the simulators.  20 Q. Do you sometimes give a check ride in an  21 actual aircraft?  22 A. No.  23 Q. Is there any kind of a written, let's say,  24 guidelines that you follow that these pilots must meet.  25 In other words, is there some protocol or procedure</p>

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<p style="text-align: right;">Page 18</p> <p>1 written that you apply in evaluating what the pilots are 2 doing? 3 A. When evaluating, there's a guideline put out 4 by the company. 5 Q. What's the guideline called? 6 A. Check manual. 7 Q. Do you know if there have been any changes in 8 the check manual say since 2003 to today? 9 A. Yes. I believe there was or were. 10 Q. Okay. To become a 777 pilot, does ANA provide 11 any kind of training? I know we talked about you doing 12 proficiency exams, but is there a training program that 13 pilots have to go through? 14 A. Yes. 15 Q. And do you do the training as well? 16 THE INTERPRETER: The interpreter will repeat 17 the question in Japanese. 18 THE WITNESS: I do conduct a set program when 19 the pilot is moving from another aircraft model to 777. 20 MR. TORPEY: Q. So when somebody wants to get 21 type rated from say a 767 to a 777, you would give the 22 training on the 777? 23 A. Yes. 24 Q. Is there any other kind of training given to 25 pilots, let's say, besides just type-rating training,</p>	<p style="text-align: right;">Page 20</p> <p>1 A. The materials are kept at the training 2 department. 3 Q. Okay. Now, you say they change. Do they 4 change every year, or how frequently do the materials 5 change? 6 A. Overall, they are the same, but with each 7 training, we have to make sure that the requirements 8 will be covered so those things would change. 9 Q. Backing up a step, with regard to the training 10 in type, in other words, to get type rated on a 777, do 11 the materials change every year, or are they -- let me 12 rephrase that. 13 To get type rated in a 777, the check manual, 14 is it basically the same from year to year, maybe minor 15 changes, but basically the manual is pretty much the 16 same? 17 THE INTERPRETER: The interpreter will restate 18 the question in Japanese. 19 THE WITNESS: There are revisions of the check 20 manual, but it is not as if there is a change every 21 year. 22 MR. TORPEY: Q. Okay. I guess with regard to 23 the check manual, if there was a revision, is there a 24 table of revisions, in other words, it will show, you 25 know, a page and what replaces it so you can see what</p>
<p style="text-align: right;">Page 19</p> <p>1 but general piloting type training. Is there anything 2 like that given to ANA pilots? Not aircraft specific. 3 In other words, it's not for a particular type of 4 aircraft but just piloting in general. 5 A. Yes. 6 Q. And what does that -- do you do that training 7 as well? 8 A. Yes. 9 Q. What's that -- give me a feel for what that 10 kind of training is. 11 A. I don't have the materials here, so it is hard 12 to say. But there is a regular training annually. 13 Q. And would that include pilots of all the types 14 of aircraft that are in the ANA fleet? 15 A. All ANA pilots receive an annual training. 16 Q. And what is the training manual that you use 17 for that training called? 18 A. There is no manual because that regular 19 training conducted once a year changes every year. 20 Q. Is there any kind of written materials that is 21 given to you by the company for you to use in providing 22 that annual training? 23 A. Yes. 24 Q. And tell me what, is it in a booklet, or what 25 is the nature of the materials that's utilized?</p>	<p style="text-align: right;">Page 21</p> <p>1 and when it was revised? 2 A. Yes. There is a table of revision. 3 Q. Mr. Usui, how long have you performed the 4 annual training that we've been talking about? How long 5 have you been a trainer for that type of training? 6 A. I don't know how many times. I do not recall. 7 Q. I'm sorry. I didn't mean how many times. How 8 many years have you been doing this annual training? 9 A. Ever since I became the training officer, and 10 it's been around seven years, although I do not have an 11 accurate recollection. 12 Q. How many trainers in addition to yourself are 13 there for the 777 aircraft? Trainers and check airmen. 14 A. I don't know how many exactly. 15 Q. Would there be, let's say, dozens or hundreds 16 or an estimate? 17 A. I think there are 20 to 30 trainers. 18 Q. Okay. This annual training, is any of it done 19 in a classroom training, and also, is there any kind of 20 written examination that is given? 21 MR. TURNER: Objection as to form. 22 THE WITNESS: I already said there is no 23 written examination. 24 MR. TORPEY: Q. Are there any videos, CDs, 25 that are played for training purposes to the pilots?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. No.</p> <p>2 Q. With regard to either the training to become</p> <p>3 type rated in a 777 or the annual training we've been</p> <p>4 talking about, is there any training or instruction to</p> <p>5 the ANA pilots with regard to taxiing of aircraft?</p> <p>6 A. When the pilots are trying to get type rated</p> <p>7 for the 777 model, they already have experience with</p> <p>8 taxiing, in other words, they can taxi, so we do not</p> <p>9 give any particular training on that.</p> <p>10 Q. Let's say if it was someone giving training,</p> <p>11 not to get type rated but other type of training,</p> <p>12 apparently you do give taxiing training or instruction?</p> <p>13 A. Just the very first lesson.</p> <p>14 Q. Tell me what it is that you train during that</p> <p>15 first lesson? What is it that you're training them to</p> <p>16 do?</p> <p>17 A. I don't have them here, so I can't say.</p> <p>18 Q. What document would that be in or called? If</p> <p>19 I wanted you to produce to us the taxi training</p> <p>20 materials, what would I ask for?</p> <p>21 A. I don't know.</p> <p>22 Q. If someone were to ask you for a copy of the</p> <p>23 training materials that you used to teach taxi</p> <p>24 instructions, you would know what that person is talking</p> <p>25 about though; correct?</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. TORPEY: For the record, Marshall,</p> <p>2 Exhibit 15, are there any other documents you're</p> <p>3 producing today?</p> <p>4 MR. TURNER: If you ask for things, I'll let</p> <p>5 you know --</p> <p>6 MR. TORPEY: I asked for them before we got</p> <p>7 here. That's why I sent a deposition notice. So if</p> <p>8 you're producing documents, let's have them. I don't</p> <p>9 want to get these drip, drip as the day goes on.</p> <p>10 MR. TURNER: You asked him to bring documents</p> <p>11 with him --</p> <p>12 MR. TORPEY: I did not ask this witness to</p> <p>13 bring documents. I didn't ask any witness to bring</p> <p>14 documents. I sent a deposition notice to ANA. ANA was</p> <p>15 to produce documents at the commencement of the</p> <p>16 deposition two days ago. You're producing them on a</p> <p>17 daily basis, and I'm asking whether you're producing</p> <p>18 anything else today.</p> <p>19 MR. TURNER: If you ask for something else --</p> <p>20 MR. TORPEY: Again, I'll ask you to</p> <p>21 produce everything we requested in the deposition</p> <p>22 notice.</p> <p>23 MR. TURNER: Let me read you the deposition</p> <p>24 notice.</p> <p>25 MR. TORPEY: I know what it says. If you're</p>
<p style="text-align: right;">Page 23</p> <p>1 A. There is no written materials regarding the</p> <p>2 main points or gist of taxiing, so we give the gist of</p> <p>3 taxiing verbally.</p> <p>4 Q. Then since it's just verbal, tell us what it</p> <p>5 is that you tell the pilots with regard to taxiing.</p> <p>6 A. Just the instruction on how to turn because</p> <p>7 they all know how to move the aircraft along the</p> <p>8 centerline.</p> <p>9 Q. How long have you held a commercial airline</p> <p>10 pilot certificate?</p> <p>11 A. By commercial license, which one are you</p> <p>12 referring to?</p> <p>13 Q. Let me ask you what licenses or</p> <p>14 certificates -- aviation licenses or certificates do you</p> <p>15 hold and how long have you held them?</p> <p>16 MR. TURNER: We have made copies of Mr. Usui's</p> <p>17 licenses, aviation licenses if you want them.</p> <p>18 MR. TORPEY: Why don't you produce for me</p> <p>19 whatever documents you're producing today so we can mark</p> <p>20 those. And, yes I'll retroactively make them part of</p> <p>21 the protective order. I assume you're not giving me</p> <p>22 your hotel bill. We'll mark these I guess. This would</p> <p>23 be 14? 15.</p> <p>24 (Whereupon, Exhibit 15 was marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 25</p> <p>1 not going to produce, I'm going assume at this point</p> <p>2 there's nothing left to produce, and I'm going to move</p> <p>3 on with the deposition.</p> <p>4 MR. TORPEY: Q. I apologize for the</p> <p>5 distraction, sir. Just tell me how long you've had --</p> <p>6 what licenses and certificates do you hold aviation</p> <p>7 licenses and certificates and for how long.</p> <p>8 A. I hold the airline transport pilot</p> <p>9 certificate, the copy of which is here.</p> <p>10 Q. Mr. Usui, Exhibit 15, can you tell me what</p> <p>11 those documents are, please.</p> <p>12 A. The cover page or rather the first page is the</p> <p>13 aviation medical certificate.</p> <p>14 Q. And what are the remaining documents?</p> <p>15 A. The third sheet is the airline transport pilot</p> <p>16 certificate. And fourth sheet is a copy of the ratings</p> <p>17 and limitations certificate. And final sheet shows my</p> <p>18 license as a radio operator on an aircraft.</p> <p>19 Q. Mr. Usui, prior to the deposition, did anyone</p> <p>20 ask you if you had any objection to producing your</p> <p>21 training and personnel records?</p> <p>22 A. No.</p> <p>23 Q. If we were to request getting your training</p> <p>24 personnel records -- not financial records -- but just</p> <p>25 training personnel records from ANA, do you have any</p>

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<p style="text-align: right;">Page 26</p> <p>1 problem with ANA releasing those?</p> <p>2 A. Me personally?</p> <p>3 Q. Yes.</p> <p>4 A. If the company decides to, it is okay with me.</p> <p>5 Q. Thank you. By the way, when do you return --</p> <p>6 or leave the U.S.?</p> <p>7 A. This time?</p> <p>8 Q. When are you leaving to go back to wherever</p> <p>9 you're going after here?</p> <p>10 A. Tomorrow.</p> <p>11 Q. You're going back to Japan?</p> <p>12 A. Yes.</p> <p>13 Q. And when did you arrive in the U.S.?</p> <p>14 A. I arrived on November 28.</p> <p>15 Q. That would be yesterday; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And did you come in as a passenger on ANA?</p> <p>18 A. Yes, that's right.</p> <p>19 Q. And do you depart tomorrow as a passenger on</p> <p>20 ANA?</p> <p>21 A. Yes.</p> <p>22 Q. When are you next scheduled to fly as a crew</p> <p>23 member on ANA?</p> <p>24 A. The schedule was not yet ready when I left</p> <p>25 Japan, so I don't know.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. 767 and 747.</p> <p>2 Q. If you wanted to look up how many hours in</p> <p>3 type or how many total hours you have, what document</p> <p>4 would that be contained in and who would have that</p> <p>5 document?</p> <p>6 A. That is personal information, so...</p> <p>7 Q. So would ANA have that or something you keep</p> <p>8 personal?</p> <p>9 A. Well, this is the sort of information that not</p> <p>10 everyone can have access to, so there's some information</p> <p>11 kept by ANA and also kept by the individual.</p> <p>12 Q. As part of your piloting duties with ANA</p> <p>13 you -- sorry. I know you've been with ANA 28 years, how</p> <p>14 long have you been -- first a copilot.</p> <p>15 How long were you a copilot on the 777?</p> <p>16 A. I don't know how many years I have been a</p> <p>17 copilot on 777 because I received training to be</p> <p>18 promoted to captain of that aircraft model.</p> <p>19 Q. When did you become a captain of a 777?</p> <p>20 A. I don't know when it was exactly.</p> <p>21 Q. Has it been for more than seven years?</p> <p>22 A. Yes.</p> <p>23 Q. And as captain, you're the pilot in command;</p> <p>24 correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And when did you last fly as a crew member for</p> <p>2 ANA?</p> <p>3 A. I don't have the schedule at hand, so I don't</p> <p>4 know.</p> <p>5 Q. That's fine. No problem.</p> <p>6 I don't obviously read Japanese, so could you</p> <p>7 tell me how long have you held an air transport pilots</p> <p>8 certificate. When did you first get that?</p> <p>9 A. It is written at the left bottom of the</p> <p>10 license, so I obtained it on April 9, 1998.</p> <p>11 Q. How many total hours do you have as a pilot?</p> <p>12 A. To now?</p> <p>13 Q. Yes.</p> <p>14 A. I can't tell you how many hours since I don't</p> <p>15 know that without looking at data.</p> <p>16 Q. Do you have just a ballpark, an estimate?</p> <p>17 A. I think it would be about 10,000 hours at</p> <p>18 present.</p> <p>19 Q. And of those approximate 10,000 hours, how</p> <p>20 many would be in type in a 777?</p> <p>21 A. I don't know.</p> <p>22 Q. Would you say more than half?</p> <p>23 A. I have flown three different aircraft models,</p> <p>24 so I do not know the number of hours for 777.</p> <p>25 Q. What other aircrafts have you flown?</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. On average, about how many times per month</p> <p>2 would you fly a 777 aircraft, say, to or from the</p> <p>3 United States -- to or from the United States? What's</p> <p>4 an average month?</p> <p>5 A. Month -- the monthly average?</p> <p>6 Q. Yeah. How many trips per month would you make</p> <p>7 as captain?</p> <p>8 A. Two to three times per month.</p> <p>9 Q. Okay. And has that pretty much been the case</p> <p>10 for the last at least seven years that you've been a</p> <p>11 captain?</p> <p>12 A. Well, I also work as a trainer, so when I have</p> <p>13 trainees, there could be times when I would not fly for</p> <p>14 two months.</p> <p>15 Q. So you're either -- if you are flying, it</p> <p>16 averages two or three times, but some months you don't</p> <p>17 fly at all because you're training? Is that pretty much</p> <p>18 what you do?</p> <p>19 A. By that, are you saying that there are months</p> <p>20 that I don't fly to the U.S. specifically?</p> <p>21 Q. No. I meant -- are there months when you</p> <p>22 don't fly at all because you're training?</p> <p>23 A. No. There would be no such months because</p> <p>24 between trainings, I would fly domestically.</p> <p>25 Q. Of the two to three times a month on average</p>

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<p style="text-align: right;">Page 30</p> <p>1 that you are the captain of a 777, about how many times  2 on average would those trips involve a trip to or from  3 the United States?  4 A. There are months when I do not fly to the U.S.  5 because I fly also to China and Asia.  6 Q. When you fly to the U.S., where do you  7 typically fly to? What airport do you fly in or out of,  8 typically.  9 A. Location?  10 Q. Yeah.  11 A. New York, Washington, San Francisco and  12 Los Angeles.  13 Q. New York, is that JFK?  14 A. Yes.  15 Q. Dulles?  16 A. Washington.  17 Q. Is that Dulles or Reagan?  18 A. Yes, Dulles.  19 Q. Since, let's say, the last seven years that  20 you've been a captain, at least for the last seven  21 years, can you tell me how many times a year you would  22 have flown in or out of San Francisco International?  23 A. For the first year and a half I did not fly to  24 San Francisco. At the beginning I was flying to  25 Chicago, so I did not fly to San Francisco. Since then</p>	<p style="text-align: right;">Page 32</p> <p>1 2007, any idea how many times on average per month you  2 were flying in and out of San Francisco?  3 A. This year; right?  4 Q. Yeah.  5 A. I don't know unless I look at the record.  6 Q. Okay. Fair enough. Do you speak English?  7 A. A little.  8 Q. And do you read English?  9 A. A little.  10 Q. And when you are the communicating pilot, you  11 have to talk to air traffic control in English; am I  12 correct?  13 A. Yes.  14 Q. When you are the -- strike that.  15 As the captain and pilot in command, is it  16 your decision to determine whether you or your first  17 officer would be the flying pilot?  18 A. The PIC makes the decision as to who will fly  19 the plane.  20 Q. Is there any guideline that you use in terms  21 of deciding whether on a particular leg or particular  22 portion of a leg you, as opposed to your first officer,  23 would be the pilot flying?  24 A. By guideline, do you mean something that is  25 written?</p>
<p style="text-align: right;">Page 31</p> <p>1 I do not know how many times I flew to San Francisco.  2 Q. Just so I understand your answer, from the  3 first year and a half that you became a captain, you did  4 not fly to San Francisco, captain of the 777; am I  5 correct?  6 A. There was no route.  7 Q. When did ANA first have a route established to  8 San Francisco?  9 A. I do not know.  10 Q. Is it before the year 2000?  11 A. I don't know.  12 Q. In the last five years, would you say you've  13 flown in and out of San Francisco as a crew member at  14 least -- at least once a month?  15 A. I wouldn't say at least because sometimes I  16 may never fly into San Francisco in one month.  17 Q. Would it be fair to say that in the last seven  18 years since you've been -- at least the last seven years  19 since you've been a captain, that you would have flown,  20 let's say, at least ten times a year into or out of  21 San Francisco for the last seven years?  22 A. I don't know for sure, but probably.  23 Q. And I know you're probably ready for a break  24 shortly, and we'll take it.  25 In the past year, let's say this year, in</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Well, I guess, first let me ask you, is there  2 anything written?  3 A. Yes, there is a written guideline.  4 Q. And what is that guideline called?  5 A. Do you mean a leaflet or something?  6 Q. Is there a name for the document, or where  7 would it be found if I wanted to look for it?  8 A. Oh, it is written in operations manual.  9 Q. Okay. And that operations manual is the  10 manual that must be kept on the 777 aircraft at all  11 times; correct?  12 A. It is there.  13 Q. Is the manual in English or Japanese or both?  14 A. It is in Japanese.  15 MR. TURNER: Is this a good time to break?  16 We've been going for about an hour and a half without a  17 break.  18 MR. TORPEY: I have just a few more questions  19 on this.  20 MR. TURNER: Go ahead.  21 MR. TORPEY: I'll give you a break in a  22 moment.  23 Q. Just tell me what you recall briefly about  24 what some of the guidelines are in regards to whether  25 you as the captain or first officer should be the flying</p>

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<p style="text-align: right;">Page 34</p> <p>1 pilot.</p> <p>2 A. First, the weather condition and the weight of</p> <p>3 the aircraft is determined according to the runway.</p> <p>4 Also, the runway condition, is it dry or wet.</p> <p>5 Q. Anything else that you recall?</p> <p>6 A. And also if there is any structural problem</p> <p>7 with regards to the fuselage, we will not have the first</p> <p>8 officer operate the plane.</p> <p>9 Q. How about with respect to whether you or your</p> <p>10 first officer should taxi either upon landing or upon</p> <p>11 departure. What guidelines exist with regard to that</p> <p>12 specific operation?</p> <p>13 A. No.</p> <p>14 MR. TORPEY: We can take a break if you like.</p> <p>15 THE VIDEOGRAPHER: This concludes Videotape 1</p> <p>16 of the deposition of Teruo Usui. The time on the</p> <p>17 monitor is 11:31 a.m.</p> <p>18 (Recess taken.)</p> <p>19 THE VIDEOGRAPHER: Here begins Videotape 2 of</p> <p>20 the deposition of Teruo Usui. Coming back on the</p> <p>21 record. The time is 11:47. Please begin.</p> <p>22 MR. TORPEY: Q. Mr. Usui, have you ever heard</p> <p>23 of a concept called conflict resolution as it applies to</p> <p>24 the piloting of an aircraft?</p> <p>25 A. No, not really.</p>	<p style="text-align: right;">Page 36</p> <p>1 the taxi you see another aircraft and you are not sure</p> <p>2 whether or not, if you continue to taxi, you might</p> <p>3 collide with that other aircraft.</p> <p>4 What would you say to aircraft control when</p> <p>5 you called them? In other words, what would you ask</p> <p>6 aircraft traffic control?</p> <p>7 A. I would not know unless I am in such a</p> <p>8 situation.</p> <p>9 Q. Would it be fair to say, Mr. Usui, one of the</p> <p>10 things that you would want to do is discuss with air</p> <p>11 traffic control whether or not it is safe for you to</p> <p>12 continue taxiing, or whether you should stop and take</p> <p>13 some other action?</p> <p>14 A. I don't know unless I am in the situation, but</p> <p>15 I believe that there would be some instruction or</p> <p>16 instructions from ATC.</p> <p>17 Q. Well, as the pilot in command of a 777, if you</p> <p>18 were taxiing, Mr. Usui, and for whatever reason you were</p> <p>19 not sure whether or not you were going to collide with</p> <p>20 another aircraft during your taxi, am I correct that you</p> <p>21 would stop the taxi until you could confirm that you</p> <p>22 were not going to collide with the other aircraft?</p> <p>23 MR. TURNER: Objection as to form and</p> <p>24 foundation.</p> <p>25 THE WITNESS: Unless I am in that situation, I</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Well, let me describe a situation for you, and</p> <p>2 maybe there's a different name for it in your language</p> <p>3 than what I'm referring to as conflict resolution.</p> <p>4 Let's say that you are taxiing an aircraft and</p> <p>5 you are the flying pilot and you see another aircraft</p> <p>6 and you're not sure whether or not, if you continue to</p> <p>7 taxi, you might strike the other aircraft.</p> <p>8 Is there a process that you as the pilot would</p> <p>9 go through to consider what you should do in response to</p> <p>10 what you're looking at?</p> <p>11 MR. TURNER: Objection as to form and</p> <p>12 incomplete hypothetical.</p> <p>13 CHECK INTERPRETER: There was an objection.</p> <p>14 MR. TURNER: Translate the objection, please.</p> <p>15 THE INTERPRETER: Excuse me.</p> <p>16 THE WITNESS: When there is other traffic or</p> <p>17 another aircraft when taxiing, we would communicate with</p> <p>18 the ATC to confirm.</p> <p>19 MR. TORPEY: Q. What would you want to</p> <p>20 confirm?</p> <p>21 A. What do you mean by that question? What do</p> <p>22 you want to confirm?</p> <p>23 Q. In the situation that I just gave you, let's</p> <p>24 say that you were the pilot in command and flying pilot</p> <p>25 and you were taxiing your aircraft, your 777, and during</p>	<p style="text-align: right;">Page 37</p> <p>1 don't know.</p> <p>2 MR. TORPEY: Q. Okay. Mr. Usui, I understand</p> <p>3 that you want to have a particular situation, but really</p> <p>4 it doesn't matter what the situation is. You can image</p> <p>5 any situation you want.</p> <p>6 But if that situation involves a potential</p> <p>7 collision with another aircraft while taxiing, you would</p> <p>8 agree with me that you as the pilot in command would not</p> <p>9 continue taxiing until you knew for sure you were not</p> <p>10 going to collide with the other aircraft; correct?</p> <p>11 MR. TURNER: Objection as to form and</p> <p>12 incomplete hypothetical.</p> <p>13 THE WITNESS: If we follow the instruction of</p> <p>14 ATC, I don't think there will be a collision.</p> <p>15 MR. TORPEY: Q. But if you felt there is a</p> <p>16 possibility of a collision and you weren't sure, even if</p> <p>17 you were following the instructions of ATC, as a safe</p> <p>18 pilot in command, then you would bring your aircraft to</p> <p>19 a stop until you could confirm, in fact, you would not</p> <p>20 collide with the other aircraft; true?</p> <p>21 MR. TURNER: Objection as to form, incomplete</p> <p>22 hypothetical.</p> <p>23 THE WITNESS: There's surely an instruction</p> <p>24 from ATC in such a situation.</p> <p>25 MR. TORPEY: Q. What if in that situation</p>

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<p style="text-align: right;">Page 38</p> <p>1 though, for whatever reason, you could not reach ATC?</p> <p>2 As the pilot in command and the person responsible for</p> <p>3 the safe operation of your aircraft, wouldn't you bring</p> <p>4 your aircraft to a stop rather than to continue taxi</p> <p>5 until you knew for sure you were not going to run into</p> <p>6 the other aircraft?</p> <p>7 MR. TURNER: Objection as to form, incomplete</p> <p>8 hypothetical.</p> <p>9 THE WITNESS: We are supposed to follow the</p> <p>10 instruction of the ATC. To stop in the middle is to go</p> <p>11 against that instruction. It is like violating the</p> <p>12 instruction.</p> <p>13 MR. TORPEY: Q. And so you as the pilot in</p> <p>14 command of an ANA 777 and a proficiency examiner for</p> <p>15 ANA, if given clearance to taxi, and even if you</p> <p>16 perceive that you might collide with another aircraft</p> <p>17 and if for some reason you can't contact air traffic</p> <p>18 control, you would continue to taxi your aircraft right</p> <p>19 into the other aircraft rather than stop until you could</p> <p>20 confirm the clearance.</p> <p>21 Is that what you're saying, sir?</p> <p>22 MR. TURNER: Objection as to form, incomplete</p> <p>23 hypothetical.</p> <p>24 THE WITNESS: I don't quite understand the</p> <p>25 question.</p>	<p style="text-align: right;">Page 40</p> <p>1 and careful pilot in command, if there is any doubt in</p> <p>2 your mind about whether or not during your taxi you're</p> <p>3 going to collide with another aircraft, even if you've</p> <p>4 already been cleared by air traffic control, then you</p> <p>5 will stop your airplane rather than to continue to taxi;</p> <p>6 correct?</p> <p>7 MR. TURNER: Objection as to form and</p> <p>8 incomplete hypothetical.</p> <p>9 THE WITNESS: We follow ATC when we operate</p> <p>10 the aircraft, so if there is anything, there would be an</p> <p>11 instruction from ATC.</p> <p>12 MR. TORPEY: Q. Mr. Usui, what if you were</p> <p>13 taxiing your airplane as pilot in command and you were</p> <p>14 cleared by ATC to taxi and during that taxi you see</p> <p>15 another aircraft and you don't know whether or not you</p> <p>16 are going to crash into that other airplane.</p> <p>17 You as the pilot in command, what would you do</p> <p>18 at that point?</p> <p>19 MR. TURNER: Objection as to form, incomplete</p> <p>20 hypothetical.</p> <p>21 THE WITNESS: Of course when taxiing an</p> <p>22 aircraft, we will observe the surrounding, and I do not</p> <p>23 know since -- I do not know unless I am in that</p> <p>24 particular situation, but there will surely be an</p> <p>25 instruction from ATC.</p>
<p style="text-align: right;">Page 39</p> <p>1 MR. TORPEY: Q. Who is responsible for the</p> <p>2 safe operation of your aircraft when you are the pilot</p> <p>3 in command of the 777 aircraft filled with passengers?</p> <p>4 A. The PIC.</p> <p>5 Q. So the ultimate safety of your passengers and</p> <p>6 your crew members is your responsibility when you're the</p> <p>7 pilot in command; correct, sir?</p> <p>8 A. The PIC.</p> <p>9 Q. And could collision with another aircraft</p> <p>10 cause a safety hazard if there was a collision during</p> <p>11 taxi?</p> <p>12 A. What do you mean by a safety hazard.</p> <p>13 Q. If you were taxiing your aircraft and you ran</p> <p>14 into another aircraft, could that cause someone on</p> <p>15 either airplane to become hurt or even killed?</p> <p>16 A. I can't really say. It depends on the type of</p> <p>17 collision.</p> <p>18 Q. Well, certainly you would not under any</p> <p>19 circumstances want to taxi your airplane into another</p> <p>20 airplane for any reason; correct?</p> <p>21 MR. TURNER: Objection as to form and</p> <p>22 incomplete hypothetical.</p> <p>23 THE WITNESS: No one will taxi an aircraft in</p> <p>24 order to have a collision.</p> <p>25 MR. TORPEY: Q. And therefore, being a safe</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. TORPEY: Q. With all due respect,</p> <p>2 Mr. Usui, I'm going to ask that that answer be struck</p> <p>3 because I don't believe it was responsive, and I'll ask</p> <p>4 a few more times this question.</p> <p>5 And I would just say, regardless of what</p> <p>6 anyone told you, I believe you have integrity, sir, and</p> <p>7 I think you hold a position with a very fine airline.</p> <p>8 And I'm asking you, honestly, to testify about a</p> <p>9 question that I think is very basic. And I will ask</p> <p>10 you, sir, and please tell me in response to this</p> <p>11 question what you would do.</p> <p>12 MR. TURNER: Before you do that, I'm going to</p> <p>13 instruct the witness that he is to disregard counsel's</p> <p>14 comments which are inappropriate and unprofessional and</p> <p>15 demeaning, and he is to listen to the question carefully</p> <p>16 and give his true and accurate and honest answer</p> <p>17 regardless of Mr. Torpey's comments.</p> <p>18 MR. TORPEY: Q. Mr. Usui, as a 28-year</p> <p>19 veteran of All Nippon Airways, as a pilot in command, as</p> <p>20 a check airman of ANA, as a pilot with over 10,000 hours</p> <p>21 of experience, as a person charged with the</p> <p>22 responsibility for the safety of ANA passengers, if you</p> <p>23 were the pilot in command of a 777 and the flying pilot</p> <p>24 and you were taxiing at San Francisco International</p> <p>25 Airport and you were cleared by ramp control to proceed</p>

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<p style="text-align: right;">Page 42</p> <p>1 to the transition area, and while en route to that  2 transition area you saw another aircraft and you did not  3 know for sure whether or not you would collide with that  4 other aircraft.  5 What would you, as the pilot in command, do in  6 that situation, sir?  7 MR. TURNER: Objection as to form, incomplete  8 hypothetical.  9 THE WITNESS: First of all, what kind of  10 clearance did the ATC give?  11 MR. TORPEY: Q. Clearance to taxi from the  12 engine-start line to spot 10, the transition area  13 between the nonmovement and movement area.  14 MR. TURNER: Objection as to form, incomplete  15 hypothetical.  16 THE WITNESS: Of course, I would taxi  17 according to the instruction of ATC.  18 MR. TORPEY: Q. So rather than determine  19 before you proceed whether you were going to run into  20 the other aircraft, you would just continue to taxi? Is  21 that your answer, sir?  22 MR. TURNER: Objection as to form, foundation,  23 incomplete hypothetical.  24 THE WITNESS: If there was another aircraft  25 that suddenly appeared on the taxiway that we were</p>	<p style="text-align: right;">Page 44</p> <p>1 going to collide? What would you do?  2 MR. TURNER: Objection as to form, incomplete  3 hypothetical.  4 THE WITNESS: If it was right in front, I  5 would go slowly. No one would go fast.  6 MR. TORPEY: Q. So you would not stop even  7 though you did not know you'd clear the conflict? You  8 would keep going, you would just slow down. Is that  9 your answer, sir?  10 MR. TURNER: Objection as to form, incomplete  11 hypothetical.  12 THE WITNESS: No. What I said was that I  13 would lower the taxi speed as much as possible.  14 MR. TORPEY: Q. But even if you lowered the  15 taxi speed, if at the time you lowered the taxi speed  16 you did not know whether or not you were going to  17 collide with the other aircraft, would you still keep on  18 taxiing until you kept taxiing right into the other  19 aircraft?  20 Or would you stop, attempt to stop, and call  21 air traffic control or ramp control to determine whether  22 or not you were going to collide with the other  23 aircraft?  24 MR. TURNER: Objection as to form, incomplete  25 hypothetical.</p>
<p style="text-align: right;">Page 43</p> <p>1 taxiing, the ramp control would not give such an  2 instruction.  3 MR. TORPEY: Q. But what if the ramp control  4 had already given the instruction? What would you do?  5 Would you continue to taxi, or would you first take some  6 other action such as stopping, calling the ramp control,  7 and inquiring whether or not you're going to clear that  8 potential collision hazard?  9 MR. TURNER: Objection as to form, incomplete  10 hypothetical.  11 THE WITNESS: I don't know unless I am in such  12 a situation.  13 MR. TORPEY: Q. Well, put yourself in that  14 situation, sir. Put yourself in the cockpit of a 777  15 aircraft as the pilot in command, flying -- taxiing from  16 the engine-start line, cleared by ramp control to  17 spot 10.  18 And while you are proceeding to spot 10,  19 another aircraft comes into your field of view and you  20 do not know for sure whether or not you're going to  21 collide with that other aircraft if you continue to  22 taxi.  23 With that set of facts in your head, sir, as  24 the pilot in command, would you stop or would you  25 continue to taxi without knowing whether or not you were</p>	<p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: I cannot image what sort of  2 situation that would be.  3 MR. TORPEY: Q. Well, with all due respect,  4 sir, I'm going to say that I don't think that was a  5 responsive answer. I'm going to move to strike. I  6 don't want to argue with you, but it's clear that you  7 have come here with a certain perception on what to say  8 in response to these questions, and I'm going to have to  9 move on to something else.  10 And unless you have something else to say with  11 regard to the situations I've presented, and I'll give  12 you that opportunity now, I'm going to move to another  13 topic because it's pointless for me to continue asking  14 questions.  15 MR. TURNER: It is improper for you to  16 continue asking improper questions and incomplete  17 hypotheticals, and your comments are unprofessional and  18 demeaning.  19 MR. TORPEY: Q. Do you have anything further  20 to add, Mr. Usui, or have you said all you are going to  21 say on that topic?  22 A. Since I do not understand that situation, I  23 cannot make an explicit comment.  24 MR. TORPEY: Q. Well, I will have to move on,  25 and we'll deal with this at another time.</p>

12 (Pages 42 to 45)

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<p style="text-align: right;">Page 46</p> <p>1 Does ANA do any other training with its pilots</p> <p>2 with regard to what to do in a situation when they are</p> <p>3 confronted during taxi with a possible collision with</p> <p>4 another aircraft?</p> <p>5 A. There is no training.</p> <p>6 Q. In order to get any of the professional</p> <p>7 aviation licenses that you hold, did you receive any</p> <p>8 such training?</p> <p>9 A. Are you talking about collision avoidance</p> <p>10 during taxiing?</p> <p>11 Q. That's correct. Are you trained or instructed</p> <p>12 at any time by anyone with regard to that topic?</p> <p>13 A. No.</p> <p>14 Q. And so if confronted with a possible collision</p> <p>15 hazard during taxiing, the company, ANA in this case,</p> <p>16 just expects you to figure it out on your own; right?</p> <p>17 MR. TURNER: Objection as to form and</p> <p>18 foundation.</p> <p>19 THE WITNESS: It does not say figure it out on</p> <p>20 your own. It says observe safety when taxiing.</p> <p>21 MR. TORPEY: Q. Where does it say that?</p> <p>22 A. All pilots have that understanding.</p> <p>23 Q. And if you were to taxi or continue taxiing</p> <p>24 and there was a possibility that you were going to</p> <p>25 collide with another aircraft and if you did not stop or</p>	<p style="text-align: right;">Page 48</p> <p>1 hypothetical.</p> <p>2 THE WITNESS: I don't know unless I am in such</p> <p>3 a situation. I do not know if it would be a violation.</p> <p>4 MR. TORPEY: Q. I guess I'll move on to</p> <p>5 something else. I don't want to argue with you, sir.</p> <p>6 So let me ask you, in a situation where --</p> <p>7 let's say that were you the pilot in command of a 777 at</p> <p>8 San Francisco International airport and you were taxiing</p> <p>9 from the engine-stop line to spot 10, the transition</p> <p>10 area, and you were cleared by ramp control to proceed</p> <p>11 from the start line to spot 10.</p> <p>12 If you perceived a potential collision hazard</p> <p>13 as you were taxiing, one of the things you could do in</p> <p>14 order to observe safety while taxiing, is you could</p> <p>15 stop; isn't that true?</p> <p>16 MR. TURNER: Objection as to form, incomplete</p> <p>17 hypothetical.</p> <p>18 THE WITNESS: I do not know what kind of</p> <p>19 situation that is, but if the ramp tower instructs me to</p> <p>20 go to spot 10, I would do so as I confirm safety while</p> <p>21 doing so, and I do not know where that other aircraft is</p> <p>22 in your question.</p> <p>23 MR. TORPEY: Q. Well, Mr. Usui, one of the</p> <p>24 things you could do as you put it, while confirming</p> <p>25 safety, is to stop the taxi until you did, in fact,</p>
<p style="text-align: right;">Page 47</p> <p>1 take other actions to make sure you were not going to</p> <p>2 collide with that other aircraft, then you would not be</p> <p>3 operating your aircraft safely during taxi; correct?</p> <p>4 MR. TURNER: Objection as to form and</p> <p>5 foundation, incomplete hypothetical.</p> <p>6 THE WITNESS: We pilots taxi while confirming</p> <p>7 safety.</p> <p>8 MR. TORPEY: Q. As a proficiency examiner for</p> <p>9 ANA, if you were onboard an aircraft and the pilot</p> <p>10 continued to taxi, even though he was cleared to taxi,</p> <p>11 he continued to taxi despite the fact that you saw a</p> <p>12 potential collision hazard and that pilot had not taken</p> <p>13 any action to confirm whether or not the aircraft was</p> <p>14 going to collide into that other aircraft, would you</p> <p>15 feel that the pilot observed safety while taxiing if he</p> <p>16 continued to taxi?</p> <p>17 MR. TURNER: Objection to form, incomplete</p> <p>18 hypothetical.</p> <p>19 THE WITNESS: It is unthinkable to us that a</p> <p>20 PIC would taxi without confirming safety.</p> <p>21 MR. TORPEY: Q. And if, in fact, a PIC did</p> <p>22 taxi without confirming safety, that would be a</p> <p>23 violation of the company policy to observe safety while</p> <p>24 taxiing?</p> <p>25 MR. TURNER: Objection to form, incomplete</p>	<p style="text-align: right;">Page 49</p> <p>1 confirm it was safe to continue taxiing. That's an</p> <p>2 option to you, sir, isn't it?</p> <p>3 MR. TURNER: Objection as to form, incomplete</p> <p>4 hypothetical.</p> <p>5 THE WITNESS: If the other aircraft was right</p> <p>6 in front of me, then I would stop, but I do not -- but</p> <p>7 since I don't know what the situation is, I would go to</p> <p>8 spot 10. You are asking me the same question, and the</p> <p>9 answer is the same.</p> <p>10 MR. TORPEY: Q. If you did not know which</p> <p>11 direction the other aircraft was going to go, so it was</p> <p>12 a moving target and therefore could potentially get in</p> <p>13 the way of your taxi, one of the options for you is to</p> <p>14 stop the taxi until you know whether or not that other</p> <p>15 aircraft is a potential collision hazard; isn't that</p> <p>16 true, sir?</p> <p>17 MR. TURNER: Objection as to form, incomplete</p> <p>18 hypothetical.</p> <p>19 THE WITNESS: In such a situation I believe</p> <p>20 there will be an instruction from the ramp tower.</p> <p>21 MR. TORPEY: Q. But what if there was no</p> <p>22 instruction? Would you call and ask the ramp tower?</p> <p>23 MR. TURNER: Objection as to form, incomplete</p> <p>24 hypothetical.</p> <p>25 THE WITNESS: I believe there will be an</p>

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<p style="text-align: right;">Page 50</p> <p>1 instruction from ramp control, and I would wait for it.  2 MR. TORPEY: Q. But what if it did not come  3 for whatever reason and you continued to taxi and you  4 were getting closer to the other airplane and you still  5 didn't know whether you were going to run into it.  6 Would you continue to taxi until you ran into  7 it, or would you stop and then call and wait until you  8 did confirm with ramp control that you weren't going to  9 run into it?  10 MR. TURNER: Objection as to form, incomplete  11 hypothetical.  12 THE WITNESS: I would lower the speed.  13 MR. TORPEY: Q. But even lowering the speed,  14 if you still didn't know whether or not you were going  15 to collide with the other aircraft, as a safe pilot in  16 command, wouldn't you stop your airplane until you were  17 able to confirm with the ramp control that you were not  18 going to collide?  19 MR. TURNER: Objection as to form, incomplete  20 hypothetical.  21 THE WITNESS: We received clearance from ramp  22 control to proceed to spot 10. That means that there is  23 no possibility of collision. If another aircraft  24 approaches, then ramp control must instruct that other  25 aircraft.</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. TURNER: Objection as to form, incomplete  2 hypothetical.  3 THE WITNESS: The fact that we received  4 clearance from ramp control to proceed to spot 10 means  5 that we can taxi to that spot. We have priority or  6 supersedence.  7 MR. TORPEY: Again, I'll move to strike. But  8 I think the record is made clear that the witness will  9 not answer that question.  10 I'd like to see the exhibits from yesterday.  11 Who has the exhibits?  12 (Noon recess taken.)  13 THE VIDEOGRAPHER: Coming back on the record.  14 The time on the monitor is 1:57 p.m. Please begin.  15 MR. TORPEY: Q. Mr. Usui, would you look at  16 Exhibit 2 that's in front of you, please.  17 A. Yes.  18 Q. If you look at the second page of Exhibit 2  19 under taxi, under subpart 5, let's take a moment and  20 read subpart 5. At the beginning of taxi, it says  21 captain shall perform taxi in accordance with the  22 following, and subpart 5 says, ask for a signalman  23 assistance in the event that there's any obstacle in the  24 vicinity of the ramp area.  25 What does that mean to you?</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. TORPEY: Q. What if ramp control for  2 whatever reason in your situation just given to us could  3 not reach your aircraft? Does that mean that the  4 clearance allows you to run into the other aircraft?  5 MR. TURNER: Objection as to form, foundation,  6 incomplete hypothetical.  7 THE WITNESS: I don't understand your  8 question.  9 MR. TORPEY: Why don't you read back the last  10 question -- last two questions and last answers in  11 English.  12 (Record read by the reporter.)  13 MR. TORPEY: Q. Mr. Usui, if you're taxiing  14 your aircraft after being cleared by ramp control to  15 proceed from the engine-start line to spot 10 and you  16 perceive there is a collision hazard with another  17 aircraft, and even though ramp control cleared you to  18 spot 10, you don't know for sure whether or not you're  19 going to run into the other aircraft and even if you  20 slow your aircraft upon perceiving the potential  21 collision hazard, if for whatever reason ATC or ramp  22 control cannot reach you or you cannot reach it, do you  23 believe that you should stop your aircraft, or should  24 you continue and just see whether or not you run into  25 the other aircraft?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. They are talking about the time when the  2 taxiing is starting.  3 Q. When it's starting, do you mean before the  4 engine-start?  5 A. Ordinarily the engine pushback is done at the  6 spot or it could be done in this way. For example, at  7 San Francisco Airport, the aircraft is brought to the  8 engine-start point where the engine is started. But, in  9 any case, taxiing begins after engine-start.  10 Q. Well, would it be during -- would subpart 5  11 that I just read you regarding asking a signalman for  12 assistance in the event there is an obstacle in the area  13 of the ramp area, would that apply to the situation  14 where you completed the pushback, have been released  15 from the tug, and are now on your own power beginning to  16 taxi through the ramp area?  17 A. The situation is unclear, so I cannot answer  18 in a clear manner.  19 Q. In other words, you don't know whether that  20 provision I just read you would apply to a situation  21 where an ANA aircraft was released from the tow and was  22 under its own power moving in a ramp area?  23 A. Subpart 5 talks about a situation before  24 taxiing, therefore, if there is no obstacle in the  25 vicinity, there would be an okay from the signalman.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q. Okay. So as you read subpart 5, that's 2 something that applies before the taxi begins; correct? 3 A. Yes. I think so because at the top it is 4 written the captain shall perform taxi in regards with 5 following. 6 Q. This is a manual -- this is the operations 7 manual that applies to your operating of a 777 aircraft; 8 correct? 9 A. It is not limited to 777. 10 Q. But it applies to the 777; right? 11 A. Yes, it applies to all aircrafts. 12 Q. How about under section 2, subpart 2, be 13 observant of all obstacles around him and taxiing speed 14 is such that he may bring his airplane to an immediate 15 and a complete stop. 16 Would that apply to you as the flying pilot in 17 command or the flying pilot of a 777 that was taxiing to 18 the engine-start line to spot 10 at San Francisco 19 Airport? 20 A. If there is clearance, we will go on, but I 21 don't clearly understand what the situation is. 22 Q. Well, sir, as a pilot and a trainer for ANA, 23 isn't it your responsibility to understand and follow 24 the operations manual including the provisions in 25 Exhibit 2 at paragraph 2, subpart 2, that I just read to</p>	<p style="text-align: right;">Page 56</p> <p>1 complete stop so that you do not run into the other 2 aircraft? 3 A. According to the operations manual, that would 4 be the case, but I don't understand what the situation 5 that you mention is specifically, so I cannot answer. 6 Q. Well, let me give you a specific situation. 7 Let's say that you were cleared by ramp 8 control at San Francisco to taxi your 777 aircraft from 9 the engine-start line to spot 10, and as you were 10 taxiing and observing all obstacles around you as 11 required by the operations manual, you saw another 12 aircraft and you did not know whether or not you were 13 going to collide with that other aircraft. 14 In that specific situation, would you be 15 required to bring your airplane to an immediate and 16 complete stop? 17 MR. TURNER: Objection as to form and 18 incomplete hypothetical. 19 THE WITNESS: I would act according to the 20 operations manual, but since I do not have a clear 21 understanding of that situation, I do not know what I 22 would do. 23 MR. TORPEY: Q. What's unclear in what I just 24 asked you, sir? 25 A. I do not have an understanding of the entire</p>
<p style="text-align: right;">Page 55</p> <p>1 you? 2 A. Quite naturally. 3 Q. Is that a yes? 4 A. We observed the operation manual and operate 5 the aircraft based on it. 6 Q. Okay. Now, given that statement, tell me, 7 sir, what your interpretation is of the provision in 8 Exhibit 2 under section 2, subpart 2 that says, be 9 observant of all obstacles around him and taxiing speed 10 is such that he may bring his airplane to an immediate 11 and complete stop. 12 In the context of applying that instruction to 13 an aircraft taxiing at San Francisco Airport from the 14 engine-start line to spot 10, explain to me what should 15 happen in order to comply with that particular 16 paragraph. 17 I'm going to withdraw the question. Let me 18 rephrase it. 19 Subpart 2 says, be observant of all obstacles 20 around him and taxiing speed is such that he may bring 21 his airplane to an immediate and complete stop. 22 In order to comply with that direction, if you 23 perceived during taxi that you were going to collide 24 with another aircraft, would you be required to not only 25 slow, but bring your aircraft to an immediate and</p>	<p style="text-align: right;">Page 57</p> <p>1 situation. 2 Q. What's unclear about the set of facts that I 3 just gave you, sir? 4 A. Really, I could not know unless I am in that 5 situation. 6 Q. Well, I'm going to ask you to put yourself in 7 that situation. All right. I'm asking you to put 8 yourself in the cockpit of a 777 aircraft at 9 San Francisco International Airport. I'm asking you to 10 put yourself in that position as pilot in command and 11 flying pilot of that aircraft, put yourself in that 12 position as someone who's the training officer for ANA. 13 I'm asking you to put yourself in that 14 situation, having been given clearance by ramp control 15 to taxi from the engine-start line to spot 10. I'm 16 asking you to put yourself in that position taxiing and 17 then you observe in compliance with your operations 18 manual obstacles around you. 19 I'm asking you to put yourself in that 20 position where you observe another aircraft while 21 taxiing according to the clearance to spot 10. I'm 22 asking you if you observed another aircraft and you, as 23 the pilot in command, do not know, do not know for sure, 24 whether or not you are going to run into that other 25 aircraft.</p>

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<p style="text-align: right;">Page 58</p> <p>1 Does this policy in your operations manual 2 require you in that situation I have just presented to 3 you, sir, to bring your airplane to an immediate and 4 complete stop? 5 MR. TURNER: Objection as to form and 6 incomplete hypothetical. 7 THE WITNESS: I will act according to the 8 operations manual, but quite frankly I do not know what 9 I would do unless I am in the plane. 10 MR. TORPEY: Q. Well, not to give you the 11 impression it was responsive, it wasn't, but I'll move 12 on to another question. 13 With regard to Exhibit 9, Mr. Usui, would you 14 please turn to that. If you would look at Exhibit 9 15 this is a page from the same operations manual as 16 Exhibit 2; correct? Only this is dated 1999, in other 17 words, it's a previous page from the operations manual. 18 A. By previous page, are you talking about 19 Exhibit 8? 20 Q. I'll withdraw the question. 21 Look at Exhibit 9, Mr. Usui. If you look at 22 subpart 2, this document is in Japanese. Does that 23 subpart 2 talk about taxi? 24 A. That's right. 25 Q. And if you look under section 2, subpart 2,</p>	<p style="text-align: right;">Page 60</p> <p>1 translated from Exhibit 9; correct? 2 THE INTERPRETER: Yes. 3 MR. TURNER: Thank you. 4 MR. TORPEY: Q. Mr. Usui, would you look at 5 Exhibit 9 and tell me if there's anything anywhere on 6 Exhibit 9 that is similar or identical to the language 7 under section 2, subpart 2 of Exhibit 2 regarding being 8 observant of all obstacles? 9 A. That would be subpart 2 of section 3. 10 Q. Okay. And I would ask, Satoe, would you read 11 that that he pointed out into the record, please. 12 So for the record, this is Exhibit 9, 13 subpart 3, section 2. 14 THE INTERPRETER: In order to avoid contact 15 with people or objects outside the aircraft, he should 16 be observant -- or he should observe the vicinity, and 17 he shall operate at a speed that will allow smooth and 18 safe stopping. 19 MR. TORPEY: Q. Now, let me ask you, 20 Mr. Usui, to look at -- strike that. 21 Exhibit 9 is dated 1999. You can see that at 22 the bottom; correct? 23 A. Yes. 24 Q. Now, look at Exhibit 8, which at the bottom is 25 dated 2004.</p>
<p style="text-align: right;">Page 59</p> <p>1 which again is in Japanese, is that the same instruction 2 as the one I just asked you about at section 2, 3 subpart 2 of Exhibit 2, which states, be observant of 4 all obstacles around him and taxiing speed is such that 5 he may bring his airplane to an immediate and complete 6 stop? 7 A. The content is different. 8 Q. Okay. How is it different? 9 MR. TURNER: We're comparing the second -- 10 number 2 under the 2 in a circle we're comparing to the 11 2 in the parentheses; is that correct? On both of them, 12 on Exhibit 9 and the second page of Exhibit 2. 13 MR. TORPEY: Well, I'm asking him to compare 14 the subpart 2, section 2. 15 MR. TURNER: The 2 in parentheses under the 2s 16 in the circles? 17 MR. TORPEY: That's correct. 18 THE INTERPRETER: The interpreter will 19 translate. 20 The signalman will show the signal from a 21 position that is easy for the pilot to confirm the 22 signal and in a way that the captain can easily make a 23 judgment. Also, according to necessity, the signalman 24 will position and assisting personnel. 25 MR. TURNER: Just to be clear, that it was</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yes. 2 Q. Would you let me know if there's any language 3 similar to what was just read from Exhibit 9, that is 4 section 3.2, is there any similar language in the 5 exhibit anywhere? 6 A. Yes. It is here, and it would be subpart 2 of 7 section 3. 8 Q. And it's the same language as you read to us 9 from Exhibit 9? 10 A. Yes. 11 Q. And do you have any knowledge that -- strike 12 that. 13 Since it appears that in 1999 and 2004 that 14 instruction was not changed, do you believe that on 15 October 7 of 2003 that that was an instruction that 16 would have been in the operations manual and would have 17 been required to be followed on October 7 of 2003? 18 A. Yes. We followed the operations manual, but 19 in the English version it says, quote, complete stop, 20 close quote. Whereas, we were looking at the manual 21 that says, taxi at a speed wherein smooth and safe 22 stopping is possible. 23 Q. But the language that you read in Japanese 24 would have applied to the operation of aircraft 25 including at San Francisco on October 7 of 2003;</p>

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<p style="text-align: right;">Page 62</p> <p>1 correct?</p> <p>2 A. It is as the operation manual says.</p> <p>3 Q. But the question, sir, is the language that</p> <p>4 you read in Exhibits 8 and 9 that is in Japanese, do you</p> <p>5 agree with me that those instructions would have applied</p> <p>6 to the operation of an ANA aircraft at San Francisco on</p> <p>7 October 7 of 2003?</p> <p>8 A. Rather than applying, we are operating</p> <p>9 according to this manual.</p> <p>10 Q. And the instruction that you read from</p> <p>11 Exhibit 8 and 9 was an instruction that you operated</p> <p>12 pursuant to on October 7 of 2003; correct?</p> <p>13 One correction. Required to operate pursuant</p> <p>14 to. Excuse me.</p> <p>15 MR. TURNER: Objection as to form. I'd ask</p> <p>16 that you restate it. I'm not sure what you were</p> <p>17 changing.</p> <p>18 MR. TORPEY: I'll restate the question.</p> <p>19 Q. Since the operations manual, which is 1999 and</p> <p>20 marked as Exhibit 9 and the 2004 version, which is</p> <p>21 marked as Exhibit 8, contain identical language in</p> <p>22 Japanese which you've read into the record, do you agree</p> <p>23 with me, sir, that that instruction that you read is one</p> <p>24 that you were required to follow in operating aircrafts</p> <p>25 on October 7 of 2003?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Have there ever been any other occasions that</p> <p>2 you're aware of where an ANA aircraft has collided with</p> <p>3 another aircraft at any time, at any place?</p> <p>4 A. There was no collision. I am not totally</p> <p>5 certain.</p> <p>6 Q. The question, sir, is do you have any</p> <p>7 knowledge of any other accident or incident involving an</p> <p>8 ANA aircraft colliding with another aircraft at any</p> <p>9 place, at any time?</p> <p>10 A. I do not know.</p> <p>11 Q. Who in your company would know if there were</p> <p>12 any other accidents or incidents involving collisions</p> <p>13 with other aircraft aside from the one at San Francisco</p> <p>14 that we're here on today?</p> <p>15 A. I do not have a clear knowledge.</p> <p>16 Q. When you say you don't have a clear knowledge,</p> <p>17 does that mean that you don't know the answer?</p> <p>18 A. I don't know who would know.</p> <p>19 Q. I asked you earlier, I apologize and I didn't</p> <p>20 follow up on this, but who is the chief pilot for the --</p> <p>21 in other words, who is the lead pilot for the 777 fleet</p> <p>22 of ANA at this point?</p> <p>23 THE INTERPRETER: The interpreter needs to</p> <p>24 confirm one word.</p> <p>25 THE WITNESS: There is a chief for the 777</p>
<p style="text-align: right;">Page 63</p> <p>1 A. It is not a requirement. We operated</p> <p>2 according to the manual.</p> <p>3 Q. It is a requirement. You cannot -- you as an</p> <p>4 ANA pilot cannot operate your aircraft unless it's in</p> <p>5 compliance with ANA's operation manual; isn't that true?</p> <p>6 MR. TURNER: Objection as to form and</p> <p>7 foundation. I ask that you not just argue with the</p> <p>8 witness.</p> <p>9 CHECK INTERPRETER: There was an objection,</p> <p>10 Lead Interpreter.</p> <p>11 MR. TURNER: My objection, please.</p> <p>12 THE INTERPRETER: Can you read the objection.</p> <p>13 (Record read by the reporter.)</p> <p>14 THE WITNESS: We worked according to the</p> <p>15 operations manual.</p> <p>16 MR. TORPEY: Q. Now, when you were -- what</p> <p>17 was your role on October 7 of 2003 with regard to the</p> <p>18 collision at San Francisco Airport?</p> <p>19 A. My role was as a multi-captain.</p> <p>20 Q. What's a multi-captain?</p> <p>21 A. The flight between San Francisco and Tokyo is</p> <p>22 a long one, and it is not possible for only two people</p> <p>23 to do the total operation, therefore, the captain formed</p> <p>24 a team of PIC, multi-captain, and copilot to cover the</p> <p>25 long flight.</p>	<p style="text-align: right;">Page 65</p> <p>1 flight crew, and by -- I mean the captain and other</p> <p>2 pilots, and there is another chief for the training</p> <p>3 department, so there would be two.</p> <p>4 MR. TORPEY: Q. Tell me their names and which</p> <p>5 is for which department.</p> <p>6 A. I'm not clear on that at this point.</p> <p>7 Q. Who do you report to? Who is your supervisor</p> <p>8 or boss?</p> <p>9 A. My boss is not the chief. He's a leader.</p> <p>10 Q. What is his name?</p> <p>11 A. They change sometimes. The leaders change, so</p> <p>12 he is not fixed.</p> <p>13 Q. On this day that you're here today, sir, who</p> <p>14 is your leader, your boss?</p> <p>15 A. By that do you mean the leader or the chief?</p> <p>16 Q. Both. Give me names, sir.</p> <p>17 A. Is there something about giving names.</p> <p>18 Q. I would like to know the names, sir, please.</p> <p>19 MR. TURNER: Just for the witness's</p> <p>20 edification, from my point of view I have no objection</p> <p>21 to him identifying people to whom he reports. But I</p> <p>22 don't know if there may be some company policy that he</p> <p>23 may have been referring to.</p> <p>24 THE WITNESS: I would like to ask what</p> <p>25 happens, what is the next step after the name is given.</p>

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<p style="text-align: right;">Page 66</p> <p>1 MR. TORPEY: Q. Well, could be nothing. It  2 could be we want to depose that person to ask about  3 things that you said here and then we might want to ask  4 that person's boss. A lot of things might happen.  5 That's why we're here is to find out what the truth is.  6 And if we need to depose others to get the truth, then  7 we do it. If we get it here today, then we might not.  8 So I really don't know the answer to your question, sir.  9 MR. TURNER: I would just suggest that since  10 the witness seems to have some concerns, which I have no  11 idea of whether it's a valid concern or not, that we  12 leave a blank in the transcript here and that we can --  13 he can check with his superiors in the company to find  14 out if there's some reason why he should not.  15 MR. TORPEY: No. Absolutely not. I want him  16 to answer the question.  17 Q. If you refuse to answer, then I will move on  18 to something else. So please give me an answer.  19 A. Rather than ask me, I would prefer you to ask  20 my company for my boss' name.  21 Q. Sir, either give me names or tell me you will  22 not give me names so we don't waste any more time on  23 this. I want the answer from you.  24 A. I can't say the name, so if you would like to  25 know the name, please go through my company.</p>	<p style="text-align: right;">Page 68</p> <p>1 are not going to give me names.  2 Let's move on to the events of October 7 of  3 2003. Where were you seated in the cockpit?  4 A. There are two seats behind the PIC and copilot  5 seats, and I was seated on the left side.  6 Q. So you were seated behind the captain in other  7 words?  8 A. No. My seat would be between the PIC and  9 copilot seats.  10 Q. So that was sort of -- that's fine. I have  11 enough.  12 From the time you got into the aircraft and  13 the aircraft -- strike that.  14 At any time during the segment from when the  15 aircraft was pushed back from the gate up until the  16 impact, did you stay at all times in the cockpit?  17 A. Yes.  18 Q. Okay. And at all times from the moment of  19 pushback until the impact, did you at all times remain  20 seated in that seat that you just described you were in?  21 A. Yes, I was.  22 Q. Did you have to wear a harness, in other  23 words, a shoulder harness and lap belt, you were  24 strapped in?  25 A. Yes.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Why can't you say the name, sir?  2 A. As you said earlier, if I give the name,  3 nothing may happen, so then there is no necessity.  4 Q. Sir, that's not what I said. I said I wanted  5 the names and we may have to depose them and their  6 bosses or we may not depending on what we feel we need  7 to do.  8 Now, I don't want to argue with you.  9 MR. TURNER: Well, then why don't you stop  10 arguing with him and get on. I've given you  11 alternatives. Why don't you press on.  12 MR. TORPEY: I am pressing on. I want an  13 answer from this witness.  14 Q. Are you refusing to answer my question?  15 A. I'm not refusing. I'm saying that if you need  16 to know the name, please ask my company.  17 Q. No. I will not ask your company because your  18 company is not here giving a deposition, you are.  19 Please give me the names since you said you are not  20 refusing. Tell me who it was that is the two  21 individuals that you mentioned earlier that you report  22 to as of today.  23 A. As I already said, I cannot say.  24 Q. I think we already understand your answer,  25 sir, so I'll move on to something else. Apparently you</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. And you did not remove that until after the  2 impact; correct?  3 A. No. I did.  4 Q. What point prior to the impact did you remove  5 your harness and/or seat belt?  6 A. I don't know exactly when.  7 Q. Did you remove the harness and the lap belt  8 and get out of the seat?  9 A. Yes.  10 Q. And were you standing or seated at the time of  11 the impact?  12 A. I was seated.  13 Q. I know you said you don't recall when you  14 removed the harness and belt and got out of your seat  15 exactly. Do you know how long it was that you were out  16 of the seat before you sat back down again?  17 A. No. I do not have a clear recollection.  18 THE VIDEOGRAPHER: One minute, counsel.  19 MR. TORPEY: Q. Do you have any recollection,  20 or would it be a complete guess?  21 A. I only want to say what is clear, so I don't  22 know at this point.  23 MR. TORPEY: Fair enough. Why don't you  24 change the tape.  25 THE VIDEOGRAPHER: This concludes Videotape 2</p>

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<p style="text-align: right;">Page 70</p> <p>1 in the deposition of Teruo Usui. Going off the record.  2 The time is 2:54 p.m.  3 (Recess taken.)  4 THE VIDEOGRAPHER: Here begins Videotape 3 of  5 the deposition of Teruo Usui. Coming back on the  6 record. The time on the monitor is 3:05 p.m. Please  7 begin.  8 MR. TORPEY: Q. Mr. Usui, you indicated you  9 took your seat belt off and got up and sat back down in  10 your seat. Did you refasten your belt or your shoulder  11 harness when you did that?  12 A. Yes.  13 Q. And you indicated you don't know how long  14 before the impact it was that you got up -- strike that.  15 Do you know how long before the impact it was  16 that you got out of your seat?  17 A. I'm not clear about the timing.  18 Q. And as you said before, when you say you're  19 not clear, you really don't know? You would have to  20 guess?  21 A. I'm saying I do not recall.  22 Q. And I take it you also don't recall how much  23 time elapsed from the time you got back in your seat  24 until the time of the impact either; correct?  25 A. I do not recall.</p>	<p style="text-align: right;">Page 72</p> <p>1 pushing back from the gate?  2 A. I do not recall.  3 Q. And from the time you first saw the United  4 aircraft until the time of the impact, did you ever take  5 your eyes off of it, in other words, direct your  6 attention other than watching the United aircraft?  7 A. I do not have a clear recollection.  8 Q. And when you say you don't have a clear  9 recollection, you don't know?  10 A. I may have been looking at it, or I may have  11 been looking towards the front. That is what I'm  12 saying.  13 Q. When you say looking towards the front,  14 looking somewhere other than at the United Airlines?  15 A. Well, one can't see the outside very well from  16 the rear seat.  17 Q. Even if you were looking straight forward,  18 would you still see the United aircraft out of your  19 peripheral vision from your seat?  20 A. I do not have a clear recollection.  21 Q. You said you did not have a clear recollection  22 when you first saw United, whether it was  23 stopped -- strike that -- whether it had started its  24 push or not, does that mean that you have no  25 recollection and cannot say whether it was stopped --</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Was there discussion going on in the cockpit  2 between yourself and the other two crew members at the  3 time you were leaving the engine-start line up to the  4 point of the impact?  5 A. By discussion, are you inquiring what the  6 discussion was about?  7 Q. Well, I just asked you first if there was  8 discussion. So apparently there was discussion between  9 yourself and the other two crew members from the point  10 you left the engine-start line up to the point of  11 impact; correct?  12 A. I do not recall.  13 Q. So you don't recall -- strike that.  14 What was the purpose of your getting out of  15 the seat for the taxi for the period of time we talked  16 about?  17 A. It was to look at the aircraft that was  18 pushing back from gate 102.  19 Q. That would be the United aircraft?  20 A. Yes.  21 Q. Okay. Now, did someone ask you to get up and  22 look, or did you on your own decide to get up and look?  23 A. I do not have a clear recollection.  24 Q. When you personally first saw the United  25 aircraft, was it stopped, or had it already started</p>	<p style="text-align: right;">Page 73</p> <p>1 let me start over.  2 You do not have any recollection as to  3 whether, when you first saw the United aircraft, the  4 United aircraft had started its pushback or whether it  5 was still stationary at the gate before the pushback?  6 You don't have a recollection one way or the other on  7 that; correct?  8 A. That's right.  9 Q. At any time after you were able to see the  10 United aircraft, did it ever get to a point prior to the  11 impact where the United aircraft was no longer in your  12 field of view?  13 A. No.  14 Q. And were you looking at the United aircraft at  15 the time you felt the impact?  16 A. No. I was seated.  17 Q. From where you were seated, were you able to  18 see the United aircraft if you wanted to look at it?  19 A. I could see the plane.  20 Q. And since you could see the plane from the  21 seated position, were you looking at the plane, the  22 United plane, at the time you felt the impact?  23 A. I do not have a clear recollection.  24 Q. You said you could see the plane. What  25 portion of the United plane could you see from your</p>

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<p style="text-align: right;">Page 74</p> <p>1 seated position?</p> <p>2 A. The plane itself.</p> <p>3 Q. The entire plane from front to back?</p> <p>4 A. No. I couldn't see the entire plane.</p> <p>5 Q. Could you see everything from the wing</p> <p>6 structure aft?</p> <p>7 A. You mean during the time leading to the</p> <p>8 impact?</p> <p>9 Q. Yes.</p> <p>10 A. Before the impact, it was behind the wing.</p> <p>11 Q. You could see everything behind the wing</p> <p>12 before the impact? Is that what you're saying?</p> <p>13 A. I could not recall if it was everything.</p> <p>14 Q. Tell me something you do recall you could see</p> <p>15 aft of the wing?</p> <p>16 A. I could see the windows next to the seat, not</p> <p>17 all the windows.</p> <p>18 Q. Were you able to see the tail, the vertical</p> <p>19 tail?</p> <p>20 A. I do not recall clearly.</p> <p>21 Q. Did you ever notice the United aircraft stop</p> <p>22 its pushback at some point prior to the impact?</p> <p>23 A. I don't know if it stopped or not.</p> <p>24 Q. When you got out of your seat prior to the</p> <p>25 impact, tell me where you went and what you did.</p>	<p style="text-align: right;">Page 76</p> <p>1 close.</p> <p>2 MR. TORPEY: Q. As a crew member, even though</p> <p>3 you were not a flying crew member, you had an obligation</p> <p>4 for the safety of its aircraft and its passengers during</p> <p>5 that taxi; correct?</p> <p>6 A. It is as the operation manual that we looked</p> <p>7 at says.</p> <p>8 MR. TORPEY: Why don't you read back the</p> <p>9 question.</p> <p>10 (Record read by the reporter.)</p> <p>11 MR. TORPEY: Q. Please answer that question.</p> <p>12 A. It was not as if I was not a flying crew</p> <p>13 member. I was a flying member.</p> <p>14 Q. And so you have the same safety obligations as</p> <p>15 the other two pilots during that taxi; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Now, when you got up to look at the United</p> <p>18 aircraft during the taxi because it was closer than</p> <p>19 usual, did you do so to try to confirm whether or not</p> <p>20 there was a potential collision hazard between your</p> <p>21 aircraft and the United aircraft?</p> <p>22 A. It was closer than usual, but I wasn't</p> <p>23 thinking about potential.</p> <p>24 Q. So in getting out of your seat and looking at</p> <p>25 the United aircraft -- strike that.</p>
<p style="text-align: right;">Page 75</p> <p>1 THE INTERPRETER: Can you give me that.</p> <p>2 (Record read by the reporter.)</p> <p>3 THE WITNESS: I looked outside from the right</p> <p>4 rear-most window. I looked at the United Airline</p> <p>5 aircraft.</p> <p>6 MR. TORPEY: Q. What was your reason for</p> <p>7 getting out of your seat and looking out of the right</p> <p>8 rear-most window at the United aircraft prior to impact?</p> <p>9 A. Because I felt it was closer.</p> <p>10 THE INTERPRETER: The interpreter will</p> <p>11 restate.</p> <p>12 THE WITNESS: Because I felt that it was</p> <p>13 slightly closer than usual.</p> <p>14 MR. TORPEY: Q. Why does that matter?</p> <p>15 A. Because it was closer than usual.</p> <p>16 Q. But why does it matter to you that it's closer</p> <p>17 than usual -- let me rephrase it.</p> <p>18 The fact that it was closer than usual, why</p> <p>19 did that cause you to get up and look at it?</p> <p>20 A. There's no reason why I should not stand up</p> <p>21 and look.</p> <p>22 Q. Well, just because something is closer than</p> <p>23 usual, why would you get up and look at it?</p> <p>24 MR. TURNER: Objection as to form.</p> <p>25 THE WITNESS: I simply looked because it felt</p>	<p style="text-align: right;">Page 77</p> <p>1 Before getting out of your seat and looking at</p> <p>2 the United aircraft, did you believe there was any</p> <p>3 possibility at all that you would collide with the</p> <p>4 United aircraft?</p> <p>5 A. Before I got out of the seat?</p> <p>6 MR. TORPEY: Why don't you read back the</p> <p>7 question.</p> <p>8 (Record read by the reporter.)</p> <p>9 THE WITNESS: I do not have a clear</p> <p>10 recollection.</p> <p>11 MR. TORPEY: Q. And in getting up out of your</p> <p>12 seat and looking at the United aircraft and then getting</p> <p>13 back into your seat, did you feel that there was any</p> <p>14 possibility of a collision between your aircraft and the</p> <p>15 United aircraft?</p> <p>16 A. No. Because I did not feel any possibility,</p> <p>17 taxiing was continued.</p> <p>18 Q. So after you got up and looked out the right</p> <p>19 rear-most window, you came to the determination that</p> <p>20 there was no possibility that your aircraft was going to</p> <p>21 collide with the United aircraft?</p> <p>22 A. The three of us together.</p> <p>23 Q. So then after you got out of the seat, looked</p> <p>24 in the right rear-most window and got back into your</p> <p>25 seat, you, as well as the other two crew members,</p>

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<p style="text-align: right;">Page 78</p> <p>1 thought there was no possibility of a collision between 2 your aircraft and the United aircraft; correct? 3 A. We felt assured that there was no possibility 4 and continued taxiing. 5 Q. Okay. Now, prior to the time you got up and 6 looked out the window and sat down, had the aircraft 7 slowed its taxi speed? 8 MR. TURNER: Can I have that question back in 9 English. 10 (Record read by the reporter.) 11 THE WITNESS: I do not recall about that. 12 MR. TORPEY: Q. Prior to the time you got out 13 of your seat and looked at the United aircraft and then 14 sat back down, had the aircraft deviated to the left of 15 the centerline at all? 16 A. No, I don't think it had deviated. 17 Q. At some point after you sat down, did the ANA 18 aircraft deviate left of centerline prior to the impact? 19 A. I don't know. 20 Q. Do you know if at any time between the 21 engine-start line and the impact whether the ANA 22 aircraft deviated left of centerline? 23 A. It kept the centerline. 24 Q. So at all times including right up to the 25 impact, from your vantage point, there was never a</p>	<p style="text-align: right;">Page 80</p> <p>1 centerline, it would mean that the aircraft is lined up 2 with the centerline. 3 Q. And since the nose is part of the aircraft, 4 it's the front tip of the aircraft, that means that the 5 nose would be lined up with the centerline; correct? 6 A. I'm not sure. 7 Q. What do you mean when you say that an 8 aircraft -- strike that. 9 You indicated that yourself and the other two 10 pilots, after you sat back down in your seat from 11 looking out the window, felt that there was no collision 12 hazard. 13 Let me ask you if, however, after you sat back 14 in your seat you felt that you did not know whether or 15 not there was a collision hazard, in that situation, 16 what would you have recommended to the crew that they 17 should do? 18 MR. TURNER: Objection as to form. 19 THE WITNESS: I would not know unless I am in 20 such a situation. 21 MR. TORPEY: Q. Well, you were in that 22 situation, sir. You were in that situation. You were 23 in that cockpit that day. And what I'm asking you to do 24 is put yourself back in that spot. But I want to change 25 one thing. I want you to assume that you did not know</p>
<p style="text-align: right;">Page 79</p> <p>1 deviation off of the centerline; correct? 2 A. That's right. 3 Q. And we say deviate off centerline. We're 4 talking about the nose of the aircraft lining up with 5 the yellow centerline on the taxiway; correct? 6 A. Main gear is the rear gear, but the middle of 7 the main gear would be the centerline. 8 Q. How does a pilot sitting in the right-hand 9 seat of that aircraft know whether or not they're lined 10 up with the centerline? 11 A. The person at the right seat, I cannot give a 12 clearcut explanation. 13 Q. Have you ever been in the right seat of a 777 14 taxiing? 15 A. Yes. 16 Q. How do you line up with the centerline? 17 A. If I am at the right seat, I would have my 18 left leg or the attachment of my left leg be on the 19 centerline. Also, the measuring instrument would be of 20 reference. It is hard to explain. 21 Q. In order for an aircraft to be considered on 22 the centerline, would the nose of the aircraft be lined 23 up essentially with the centerline? 24 A. If the centerline is between the main gear and 25 the main gear, and if the nose gear is on the</p>	<p style="text-align: right;">Page 81</p> <p>1 when you looked out that window whether or not you were 2 going to clear that United airplane. 3 With that change in mind, what would you tell 4 that crew to do? 5 MR. TURNER: What is the whole question? 6 Please ask a complete question. If you were changing 7 it, please ask the whole question with the change. 8 MR. TORPEY: I'd like an answer to my 9 question. 10 MR. TURNER: Objection as to form and 11 foundation. 12 THE WITNESS: I do not know. 13 MR. TORPEY: Q. So even if you had gotten up, 14 looked out the window, sat back down and thought you 15 really don't know whether or not you're going to clear, 16 you don't know what you would have done in that 17 situation? 18 MR. TURNER: Objection as to form, incomplete 19 hypothetical. 20 THE WITNESS: If I am not in that sort of 21 situation, I really wouldn't know. 22 MR. TORPEY: Ms. Interpreter, he started to 23 speak before the objection. Did you catch what he 24 started to say? 25 THE INTERPRETER: He said, at such a</p>

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<p style="text-align: right;">Page 82</p> <p>1 situation.</p> <p>2 MR. TORPEY: Q. Now, if you had gotten up out</p> <p>3 of your seat and looked at the United aircraft and sat</p> <p>4 back down and didn't know whether or not you would run</p> <p>5 into the other aircraft, one of the things you could</p> <p>6 have done is suggested to the crew they could have</p> <p>7 stopped until they figure out whether or not they're</p> <p>8 going to clear the other aircraft?</p> <p>9 MR. TURNER: Objection as to form, incomplete</p> <p>10 hypothetical.</p> <p>11 THE WITNESS: If I am not in such a situation,</p> <p>12 I do not know.</p> <p>13 MR. TORPEY: Q. Sir, I'm asking you a</p> <p>14 hypothetical question, and I have a right to do that,</p> <p>15 and I want you to answer that question.</p> <p>16 And the question is all of the factors of</p> <p>17 October 7, 2003, remain exactly the same, so don't tell</p> <p>18 me you weren't in that situation, because you were.</p> <p>19 Put yourself back in that same situation. The</p> <p>20 only thing I want you to do is, for purposes of my</p> <p>21 question, when you sat back down in your seat you did</p> <p>22 not know for sure whether or not you would clear the</p> <p>23 other aircraft.</p> <p>24 In that situation, sir, what would you tell</p> <p>25 that crew they should do?</p>	<p style="text-align: right;">Page 84</p> <p>1 that we could pass by.</p> <p>2 Q. And did you represent to the pilot in command</p> <p>3 and the flying pilot that information that you just</p> <p>4 mentioned, that you thought that the aircraft would</p> <p>5 clear?</p> <p>6 MR. TURNER: Can I have that question back.</p> <p>7 I'm sorry. In English.</p> <p>8 (Record read by the reporter.)</p> <p>9 THE WITNESS: It was not a thought. The three</p> <p>10 of us were convinced that we could clear, or certain</p> <p>11 that we could clear, or we believed firmly that we could</p> <p>12 clear.</p> <p>13 MR. TORPEY: Q. The question, though, sir, is</p> <p>14 did you represent to the other two pilots after looking</p> <p>15 out the window that you felt that the ANA aircraft would</p> <p>16 not collide with the United aircraft?</p> <p>17 A. The three of us discussed.</p> <p>18 Q. I didn't ask you that, sir. I'll ask you</p> <p>19 again. I'm asking you what you said to them. Did you</p> <p>20 say to them after looking out the window that you,</p> <p>21 Mr. Usui, felt that the aircraft you were in would clear</p> <p>22 the United airplane. That's the question, sir.</p> <p>23 A. Since this was four years ago, I do not recall</p> <p>24 if I said that or not.</p> <p>25 Q. If Mr. Yamaguchi, the captain said that you</p>
<p style="text-align: right;">Page 83</p> <p>1 MR. TURNER: Objection as to form, incomplete</p> <p>2 hypothetical. And Mr. Torpey is improper in giving</p> <p>3 these kinds of instructions to this witness. He should</p> <p>4 ask questions, not give these absurd instructions to the</p> <p>5 witness.</p> <p>6 THE WITNESS: In a hypothetical situation,</p> <p>7 many conditions are unknown, so I cannot answer.</p> <p>8 MR. TORPEY: I move to strike that answer. I</p> <p>9 don't think you responded to my question, sir, and</p> <p>10 you're not going to, so I'll move on.</p> <p>11 If there was any chance, sir, on the day of</p> <p>12 this accident that your aircraft was going to strike the</p> <p>13 United aircraft, would you agree with me that your</p> <p>14 aircraft should have been stopped before proceeding</p> <p>15 further?</p> <p>16 MR. TURNER: Objection as to form, incomplete</p> <p>17 hypothetical.</p> <p>18 THE WITNESS: Until spot 10, I don't know.</p> <p>19 MR. TORPEY: Q. Now, you said that after</p> <p>20 sitting down, after looking out the window at the United</p> <p>21 aircraft you were sure there would be no collision.</p> <p>22 What about what you looked at out the window</p> <p>23 made you feel there was no chance that your airplane was</p> <p>24 going to collide with the United airplane.</p> <p>25 A. Although it was closer than usual, I believe</p>	<p style="text-align: right;">Page 85</p> <p>1 said it, would you agree that you must have said it?</p> <p>2 A. I don't quite understand the question.</p> <p>3 Q. Well, you said it's been four years so you</p> <p>4 don't really remember. What if Mr. Yamaguchi said that</p> <p>5 you did represent to them that you thought the clearance</p> <p>6 was adequate --</p> <p>7 MR. TURNER: Objection --</p> <p>8 MR. TORPEY: Q. -- would you agree that you</p> <p>9 must have said that, or would you say Mr. Yamaguchi was</p> <p>10 lying?</p> <p>11 MR. TURNER: Objection as to form and</p> <p>12 foundation.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 MR. TORPEY: Let me see those exhibits,</p> <p>15 please. Just hand those to me, please.</p> <p>16 Q. Let me show you, sir, what was marked</p> <p>17 yesterday as Exhibit 7, at Mr. Yamaguchi, the company's</p> <p>18 deposition.</p> <p>19 Have you ever had a chance to read his</p> <p>20 statement before?</p> <p>21 A. Yes. I have, but I do not have a clear</p> <p>22 recollection.</p> <p>23 Q. If you look at Exhibit 7, it says here,</p> <p>24 approaching spot 10. I recognized UAL B777 had started</p> <p>25 pushout from gate B102. Pilot flying maneuvered</p>

22 (Pages 82 to 85)

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<p style="text-align: right;">Page 86</p> <p>1 slightly to the left side of the centerline. It looked  2 to me that the maneuver was to increase the margin of  3 clearance from the UAL B777.  4 And then he goes on to say, I asked the pilot  5 flying whether the clearance was adequate and then  6 acknowledged it with the cockpit member.  7 Do you believe that you were the cockpit  8 member with whom he acknowledged that?  9 A. I don't recall clearly.  10 Q. So you don't know one way or the other?  11 A. That's right.  12 Q. Let's put these exhibits back together.  13 Now, you said that the three of you were  14 certain prior to the impact that you were going to  15 clear. Other than yourself looking out the window, what  16 else was done by yourself or the other two crew members  17 to come to the conclusion that it was certain you would  18 not hit the United aircraft?  19 THE WITNESS: When you say other, what else  20 did you do, I mean we continued taxiing.  21 MR. TORPEY: No. Read back the question.  22 (Record read by the reporter.)  23 MR. TURNER: Objection as to form and  24 foundation.  25 THE WITNESS: I do not recall.</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Yes.  2 Q. Do you understand that there was an  3 investigation by ANA into the cause of the collision  4 between your aircraft and the United aircraft?  5 A. Investigation, I don't know.  6 Q. Are you aware of what ANA determined to be the  7 cause or causes of the collision between the two  8 aircraft?  9 A. I have not.  10 Q. Have you personally formed any opinion as to  11 what the cause or causes of the collision between the  12 two aircraft was?  13 A. No.  14 Q. And I assume you have no opinion as to who was  15 at fault for causing the collision; correct?  16 A. I don't know.  17 MR. TORPEY: Why don't we mark this.  18 (Whereupon, Exhibit 16 was marked for  19 identification.)  20 MR. TORPEY: Q. Let me show you -- well, take  21 a moment. You can read it over.  22 Have you had a chance to look at that, sir?  23 A. Yes.  24 Q. Okay. May I see that, please. The statement  25 that was marked Exhibit 16, that contains your</p>
<p style="text-align: right;">Page 87</p> <p>1 MR. TORPEY: Q. And since you don't recall,  2 you don't know if there was anything else that you did  3 other than look out the window? Fair statement?  4 A. I do not recall what we did.  5 Q. One thing we do know is you never attempted to  6 stop until impact; correct?  7 A. We had the clearance.  8 Q. That was not the question, sir. Do you agree  9 with me that at no time prior to the impact was there  10 any attempt to stop the ANA aircraft?  11 A. I do not know.  12 Q. Do you have any recollection of any discussion  13 between yourself and the other two crew members about  14 whether you should stop prior to the impact?  15 A. We discussed, and we believed we could clear  16 and so continued taxiing.  17 Q. So there was never an attempt to stop prior to  18 impact; correct?  19 A. There was no necessity to stop.  20 Q. Do you remember giving a statement to the U.S.  21 government's National Transportation Safety Board that  22 investigated this collision?  23 A. I do not remember.  24 Q. Do you recall anybody from ANA taking a  25 statement from you?</p>	<p style="text-align: right;">Page 89</p> <p>1 signature; correct?  2 A. Yes.  3 Q. And it's dated October 8 of 2003, do you see  4 that at the top?  5 A. Yes.  6 Q. And that was given by you to ANA relative to  7 this accident; correct? At least the information that  8 is contained in this letter was given to you -- given by  9 you?  10 A. Yes.  11 Q. And was that in the course and scope of ANA  12 investigating the circumstances of this accident as far  13 as you know?  14 A. I don't know.  15 Q. In any event, having read this statement,  16 which is dated October 8, 2003, would it have been given  17 by you on that day, or would it have been given on  18 October 7, the day this incident actually happened?  19 A. I have a recollection that I wrote this on the  20 very day of October 7, 2003, but it is not certain.  21 Q. All right. Whether you wrote it on the 7th or  22 the 8th of October, this would have been written when  23 the events surrounding the collision or the events  24 leading up to it were very fresh in your mind; correct?  25 A. Probably.</p>

23 (Pages 86 to 89)

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<p style="text-align: right;">Page 90</p> <p>1 Q. And the statement when you gave it for 2 purposes of the NTSB to get this was true and accurate; 3 correct? 4 Let me rephrase it. 5 This statement that you gave that was 6 submitted to the NTSB by ANA, it was a true and accurate 7 statement; correct? 8 A. Yes. It is as this says. 9 Q. Let's look at the statement if you look -- may 10 I see this, please. Your counsel has a copy or you can 11 look at the one I'm putting up here. 12 First of all, the numbers on the left-hand 13 column, 18:48, 18:55, 19:00. Do you know who supplied 14 those? 15 A. No, I don't know who provided those. 16 Q. Let's look at the information at 18:55. It 17 says, requested taxi to the ramp tower, then received 18 clearance until spot 10. 19 And it goes on to say, then we were told to 20 contact ground control. 21 What did you mean by your statement where it 22 says you were cleared to go to spot 10, then this word 23 right here, "then," told to contact ground control? 24 What did you mean by that, sir? 25 A. I don't know what that means specifically.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. I don't know. 2 Q. You don't know if the aircraft you were in 3 when you taxied collided with the United aircraft? 4 A. My understanding that we continued taxiing, 5 and there was contact. 6 Q. When you say contact, there was a collision 7 between the ANA aircraft that you were in and the United 8 aircraft that you had previously looked out the window 9 at; correct? 10 A. Yes. The United aircraft that I saw from the 11 window. 12 Q. And do you know what portion of your aircraft 13 came in contact with what portion of the United 14 aircraft? 15 A. I do not see the point of contact actually. 16 Q. The point of contact was the right wing tip of 17 your aircraft with the left wing tip of the United 18 aircraft; correct? 19 A. Left? 20 Q. Let me break it down. 21 The portion of the ANA aircraft that collided 22 with the United aircraft was the right wing tip; 23 correct? 24 A. I couldn't see, so I don't know. 25 Q. I understand what you're saying. But do you</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. The word until spot 10, you understand that 2 ramp control only cleared you to go to spot 10, the 3 transition point; correct? 4 A. That's our understanding. 5 Q. Now, if we continue on that statement, it says 6 here on the next line, starting here, on the way to 7 enter to A taxiway by spot 10, turning to the left, I 8 saw a UAL B777 being pushed out from gate G102. And in 9 order to check the clearance with the airplane, I looked 10 outside. However, it says the right-hand wing tip could 11 not be invisible. 12 What did you mean by that, sir? 13 A. It is as is written. 14 Q. Did you mean that when you looked out the 15 right window the right wing tip was not visible? Is 16 that what you meant? 17 A. It means I could not see the right wing tip. 18 Q. Fair enough. And that's because simply 19 looking out the window, it's a sweptback wing, and you 20 cannot see out the window the wing tip on the 777 21 aircraft; correct? 22 A. That's right. 23 Q. Ultimately you taxied the aircraft, you and 24 the other two crew members, into the United aircraft; 25 correct?</p>	<p style="text-align: right;">Page 93</p> <p>1 know today if it was the right wing tip of your aircraft 2 that collided with the United aircraft? 3 A. I know there was a contact, but I don't know 4 where because I could not see. 5 Q. The contact between the United aircraft and 6 your aircraft was, as you refer to here -- strike that. 7 The right wing tip, as you say, was not 8 visible, and so you were not able to actually see the 9 impact? Is that what you're saying? 10 A. Yes. I'm saying that I could not see the 11 right wing, so I don't know what part of the UA aircraft 12 our aircraft's right wing contacted. 13 Q. Fair enough. Now, there was never any attempt 14 after leaving the engine-start line by yourself or the 15 other two crew members in the ANA aircraft to try and 16 contact ramp control to determine whether or not the ANA 17 aircraft would clear the United aircraft; correct? 18 A. I don't know. 19 Q. That right rear window that you were looking 20 out at the United aircraft that we discussed earlier, 21 that window opens; correct? 22 A. No. It cannot be opened. 23 Q. Is there a right window -- strike that. 24 Is there a window on the right-hand side of 25 the cockpit that can be opened?</p>

24 (Pages 90 to 93)

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<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. Other than the right rear-most window, did you</p> <p>3 go to any other windows in the cockpit to attempt to</p> <p>4 look out and see if you could see the right wing tip?</p> <p>5 A. No, there is not.</p> <p>6 Q. You did not? You only looked out one window?</p> <p>7 Is that right?</p> <p>8 A. You mean me? I looked from the rear-most</p> <p>9 window.</p> <p>10 Q. Okay. And neither you nor the other crew</p> <p>11 members attempted to open the right-hand side window at</p> <p>12 any time during the taxi; correct?</p> <p>13 A. There is no such operation.</p> <p>14 Q. Well, there's a right-hand window that opens I</p> <p>15 thought you said.</p> <p>16 A. Yes.</p> <p>17 Q. Have you ever had a chance to open a window,</p> <p>18 the right-hand window, on a 777 aircraft and sort of</p> <p>19 poke your head out and look out that window?</p> <p>20 A. Only when the aircraft is stationary, in other</p> <p>21 words, when the engine is not on.</p> <p>22 Q. When you've done that, can you see the right</p> <p>23 wing tip?</p> <p>24 THE INTERPRETER: When it is parked, he said.</p> <p>25 Can I have the question again.</p>	<p style="text-align: right;">Page 96</p> <p>1 THE VIDEOGRAPHER: Coming back on the record.</p> <p>2 The time on the monitor is 4:50. Please begin.</p> <p>3 MR. TORPEY: Q. Mr. Usui, again, looking at</p> <p>4 your statement, Exhibit 16, if we look at this final</p> <p>5 line down here, it says that taxi speed was very slow at</p> <p>6 the moment of the collision.</p> <p>7 During the taxi, was there a point in time</p> <p>8 when the taxi speed slowed? In other words, you were</p> <p>9 going faster and then slowed prior to the impact?</p> <p>10 A. I don't know.</p> <p>11 Q. Well, apparently in your statement you stated</p> <p>12 that, in fact, the taxi speed was -- strike that.</p> <p>13 You say the taxi speed was very slow, and you</p> <p>14 go on to say, also our aircraft proceeded a little</p> <p>15 bit -- or "bid," but I think you mean "bit" -- left of</p> <p>16 the taxi centerline.</p> <p>17 Does that refresh your recollection about</p> <p>18 whether the aircraft prior to impact deviated to the</p> <p>19 left of the centerline?</p> <p>20 MR. TURNER: Can I have the question read</p> <p>21 back, please.</p> <p>22 (Record read by the reporter.)</p> <p>23 MR. TURNER: Objection as to form and</p> <p>24 foundation.</p> <p>25 THE WITNESS: It was on the centerline but</p>
<p style="text-align: right;">Page 95</p> <p>1 (Record read by the reporter.)</p> <p>2 THE WITNESS: When one pokes one's head out,</p> <p>3 it is possible to see.</p> <p>4 MR. TORPEY: Q. If we continue on in your</p> <p>5 statement, you say here in the next line, since aircraft</p> <p>6 turning at spot 10 to A taxiway, I checked the</p> <p>7 clearance. Are you again referring to the clearance</p> <p>8 between your aircraft and the United aircraft?</p> <p>9 A. That's right.</p> <p>10 Q. And it goes on to say and noticed a wing</p> <p>11 walker accompanied the UAL 777 at the left side. I did</p> <p>12 not see another on the right side. I saw the wing</p> <p>13 walker giving an okay-sign presumably to the tow tractor</p> <p>14 of the United 777.</p> <p>15 What was the significance of that statement or</p> <p>16 that observations, if any?</p> <p>17 A. I simple told the truth.</p> <p>18 Q. Had no significance? You were just stating</p> <p>19 what you saw?</p> <p>20 A. That's right.</p> <p>21 MR. TURNER: We've been going for more than an</p> <p>22 hour and a half again. Let's take a break.</p> <p>23 THE VIDEOGRAPHER: Going off the record. The</p> <p>24 time on the monitor is 4:33 p.m.</p> <p>25 (Recess taken.)</p>	<p style="text-align: right;">Page 97</p> <p>1 towards the left.</p> <p>2 MR. TORPEY: Q. What was the reason that the</p> <p>3 aircraft deviated to the left of the centerline prior to</p> <p>4 impact? What was the purpose of that?</p> <p>5 MR. TURNER: Objection as to form and</p> <p>6 foundation.</p> <p>7 THE WITNESS: I don't know the reason.</p> <p>8 MR. TORPEY: Q. If you as a pilot flying in</p> <p>9 the 777 had a potential collision hazard to your right,</p> <p>10 would deviating to the left of the centerline increase</p> <p>11 or decrease the clearance between the two objects?</p> <p>12 MR. TURNER: Objection as to form, foundation,</p> <p>13 and incomplete hypothetical.</p> <p>14 THE WITNESS: I don't know unless I'm in that</p> <p>15 situation.</p> <p>16 MR. TORPEY: Q. Let me show you what was</p> <p>17 previously marked Exhibit 14, which is the federal</p> <p>18 aviation regulations.</p> <p>19 If you look at Exhibit 14, that's federal</p> <p>20 aviation regulation section 91.3. It says</p> <p>21 responsibility and authority of the pilot in command,</p> <p>22 and under subsection A it states, and I quote, the pilot</p> <p>23 in command of an aircraft is directly responsible for</p> <p>24 the final authority as to the operation of that</p> <p>25 aircraft.</p>

25 (Pages 94 to 97)



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<p style="text-align: right;">Page 98</p> <p>1 Mr. Usui, as a captain and proficiency check 2 pilot and flying pilot of a 777 for ANA that flies ANA 3 aircrafts into the United States, were you aware of that 4 aviation regulation? 5 A. In Japan there's an aviation regulation under 6 the same title. 7 Q. And does it read the same as what this 8 regulation reads? 9 A. I don't know because one is in English and one 10 is in Japanese, but they are similar. 11 Q. And you were aware of the -- at least the 12 Japanese version of this regulation on October 7 of 13 2003; correct, sir? 14 A. Yes. 15 Q. Standby one second, please. 16 MR. TORPEY: Let's mark this as the next 17 exhibit which would be what number? 18 (Whereupon, Exhibit 17 was marked for 19 identification.) 20 MR. TORPEY: Q. Let me show you what was 21 marked as Exhibit 17, another federal aviation 22 regulation, and this one is section 91.13. 23 THE VIDEOGRAPHER: Can you move it to the left 24 a little bit. 25 MR. TORPEY: Yeah. And that section reads,</p>	<p style="text-align: right;">Page 100</p> <p>1 aircraft so close to another aircraft as to create a 2 collision hazard. 3 Mr. Usui, were you aware of that federal 4 aviation regulation? 5 A. It is the first time for me to see this. 6 Q. And is there a similar Japanese regulation 7 such as FAR 91.111? 8 A. I can't recall. 9 Q. Okay. If you look below that federal aviation 10 regulation 91.113, right-of-way rules except water 11 operations and under subsection B general, it states 12 that vigilance shall be maintained by each person 13 operating an aircraft so as to see and avoid other 14 aircraft. 15 Were you aware of that federal aviation 16 regulation? 17 MR. TORPEY: I'd ask Counsel not to point and 18 direct the witness while a question is pending. You've 19 highlighted a document. You pointed to the witness 20 while I'm cross-examining him on a question. Document 21 is right there in front of the witness. That is 22 completely improper. 23 MR. TURNER: That's exactly the point. The 24 highlighted point that I have highlighted you have 25 highlighted and the witness can't see it because the</p>
<p style="text-align: right;">Page 99</p> <p>1 under careless or reckless operation, subpart A, and I 2 quote, aircraft operations for the purposes of air 3 navigation, no person shall operate an aircraft in a 4 careless or reckless manner so as to endanger the life 5 or property of another. 6 Q. Now, do you see that? Mr. Usui, were you 7 aware of that federal aviation regulation? 8 A. It is the first time for me to see this. 9 Q. Do you know if there is -- if there is a 10 similar counterpart in the Japan regulations? 11 A. Yes, there is. 12 (Whereupon, Exhibit 18 was marked for 13 identification.) 14 MR. TORPEY: Q. Let me show you Exhibit 15 Number -- 16 THE VIDEOGRAPHER: You won't be able to see it 17 there. 18 MR. TORPEY: What's that? 19 THE VIDEOGRAPHER: Just move it to the left. 20 MR. TORPEY: Hold on one second. 21 THE VIDEOGRAPHER: Down. That's better. 22 MR. TORPEY: Q. Let me show you what was 23 marked as Exhibit 18, and in particular under 24 section 91.111, operating near other aircraft, and 25 section A, it reads, quote, no person may operate an</p>	<p style="text-align: right;">Page 101</p> <p>1 court reporter's head is in his way. That's the only 2 reason I gave him the new Exhibit 18 because he couldn't 3 see it because of the court reporter's head and you know 4 that's the case. 5 MR. TORPEY: I'd like to see that. Would you 6 hand me that, sir, please. Could I see that. 7 I stand corrected. It is as a marked on that 8 exhibit. 9 MR. TURNER: Sure is. 10 MR. TORPEY: Q. Sir, having reviewed federal 11 aviation regulation 91.113B, were you aware of that 12 federal aviation regulation regarding the obligation to 13 see and avoid other aircraft? 14 A. This is the first time I see this federal 15 aviation regulation. 16 Q. And is there a Japanese counterpart or a 17 similar Japanese regulation requiring see and avoid of 18 other aircraft? 19 A. Yes. 20 Q. And on October 7 of 2003 were you aware of 21 that regulation? 22 A. And by that do you mean the Japanese 23 regulation? 24 Q. Yes, sir. 25 A. Yes.</p>

26 (Pages 98 to 101)



Teruo Usui

<p style="text-align: right;">Page 102</p> <p>1 Q. To your knowledge as a proficiency trainer and 2 instructor, would Mr. Mr. Yamaguchi and Mr. Nishiguchi, 3 the other pilots that were with you on October 7 of 4 2003, have the same knowledge and understanding of the 5 Japan airline regulations that were discussed with you 6 today? 7 A. Yes. 8 Q. On the day of this collision on October 7 of 9 2003, the ANA -- strike that. 10 If on October 7, 2003, prior to the impact, 11 the United aircraft was stopped or stationery or, let's 12 say, 10 or 15 seconds, and your aircraft was not 13 stationery, you continued to taxi, would you consider 14 that to be an overtaking by your aircraft of the 15 stationary United aircraft? 16 THE INTERPRETER: The interpreter would like 17 to inquire, by overtaking, do you mean physically pass? 18 MR. TORPEY: Yes. 19 MR. TURNER: Objection as to form and 20 incomplete hypothetical. 21 THE WITNESS: I do not know. 22 MR. TORPEY: Q. Well, an aircraft that is 23 stationary can't overtake an aircraft that's moving; 24 correct? 25 A. I won't know unless I am in such a situation.</p>	<p style="text-align: right;">Page 104</p> <p>1 right-of-way? What does having the right-of-way 2 authorize your aircraft to do? 3 A. Do you mean on land or in air? 4 Q. On land, during taxi. 5 A. Then as I said earlier, it is the instruction 6 from ATC. 7 Q. The only thing, the one and only thing, that 8 the right-of-way -- strike that. 9 If you have the right-of-way during taxi, do 10 you have the right to run into another aircraft? 11 MR. TURNER: Objection as to form and 12 incomplete hypothetical. 13 THE WITNESS: No. 14 MR. TORPEY: And you got the answer; right? 15 THE REPORTER: Uh-huh. 16 MR. TORPEY: Q. If you have the right-of-way, 17 does that mean that you as a pilot do not have to see 18 and avoid other aircraft while taxiing? 19 MR. TURNER: Objection as to form and 20 incomplete hypothetical. 21 THE WITNESS: I don't know unless I am 22 actually in a situation. 23 MR. TORPEY: Q. In any situation that your 24 mind can conceive, is there ever a situation during taxi 25 where you do not have to see and avoid another aircraft</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. What does the word overtaking mean to you in 2 terms of aviation as a pilot? What does the word 3 overtaking mean? 4 A. I don't have an understanding. 5 Q. As a pilot for ANA, do you have an 6 understanding of what it means to have the right-of-way? 7 A. Yes. 8 Q. What does the right-of-way mean? 9 A. It means right-of-way. 10 THE VIDEOGRAPHER: Two minutes, Counsel. 11 MR. TORPEY: You want to switch now because we 12 won't have to stop anymore. 13 THE VIDEOGRAPHER: This concludes Videotape 3 14 in the deposition of Teruo Usui. Going off the record. 15 The time on the monitor is 5:18 p.m. 16 (Discussion off the record.) 17 THE VIDEOGRAPHER: Here begins Videotape 4 of 18 the deposition of Teruo Usui. Coming back on the 19 record. The time on the monitor is 5:19. Please begin. 20 MR. TORPEY: Q. Mr. Usui, how do you as a 21 pilot know whether your aircraft or another aircraft has 22 the right-of-way while taxiing? 23 A. When the ATC controller gives an instruction, 24 that is when the aircraft has the right-of-way. 25 Q. And what is your definition of the</p>	<p style="text-align: right;">Page 105</p> <p>1 simply because you were given the right-of-way? 2 MR. TURNER: Objection as to form and 3 incomplete hypothetical. 4 THE WITNESS: My answer is the same as before, 5 unless I am in that actual situation, I would not know. 6 MR. TORPEY: Q. Do you instruct ANA pilots 7 that when they have the right-of-way, they are relieved 8 from compliance with Japanese aviation regulations? 9 A. The pilots have licenses. They have common 10 sense. They have their own knowledge, so I do not even 11 touch that subject. 12 Q. As a pilot yourself, do you believe, sir, that 13 simply because you are given clearance to taxi that you 14 are relieved of responsibility under Japanese 15 regulations with regard to careless or reckless 16 operation or operating aircraft too near to other 17 aircraft so as to create a collision hazard? 18 MR. TURNER: Objection as to form, foundation, 19 incomplete hypothetical. 20 THE WITNESS: When one is operating in the 21 normal way, there would be no violation. 22 MR. TORPEY: Q. That's not the question, sir. 23 The question is whether you believe that simply getting 24 clearance to taxi relieves you of your obligation to 25 comply with Japanese aviation regulations which require</p>

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<p style="text-align: right;">Page 106</p> <p>1 you to not operate an aircraft too close to another 2 aircraft to create a collision hazard? 3 MR. TURNER: Objection as to form, foundation, 4 incomplete hypothetical. 5 THE WITNESS: I don't understand what that 6 specific situation is, so I could not answer. 7 MR. TORPEY: Q. So if the jury in this case 8 hears the testimony, you are saying you cannot answer 9 whether or not getting clearance relieves you -- let me 10 rephrase it. 11 As a commercial airline pilot, you have to 12 comply with Japanese regulations; correct? 13 A. Of course. 14 Q. So certainly, sir, you know full well whether 15 or not in getting clearance to taxi that relieves you of 16 any obligation under Japanese regulations to not operate 17 your aircraft so close to another aircraft as to create 18 a collision hazard; true, sir? 19 MR. TURNER: Objection. As to form, 20 foundation, lack of -- incomplete hypothetical. 21 THE WITNESS: I don't know. I cannot answer. 22 MR. TORPEY: Would you read back the question 23 and answer in English just for me. 24 (Record read by the reporter.) 25 MR. TORPEY: Q. Let me ask you another</p>	<p style="text-align: right;">Page 108</p> <p>1 time on the monitor is 5:36 p.m. 2 (Whereupon, the deposition adjourned at 3 5:36 p.m.) 4 --oOo-- 5 I declare under penalty of perjury that the 6 foregoing is true and correct. Subscribed at 7 _____, California, this ____ day 8 of _____, 2007. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">TERUO USUI</p>
<p style="text-align: right;">Page 107</p> <p>1 question, you used the term -- strike that. 2 Does the term air control system mean anything 3 to you? 4 A. Are you talking about issuing air control 5 instructions? 6 Q. One second. 7 Does the term air traffic control system, does 8 that term mean anything to you? 9 A. As I mentioned earlier, are you talking about 10 air control instructions? 11 Q. I'll withdraw the question. Mr. Usui, 12 obviously you know at this point that your aircraft ran 13 into the United aircraft on October 7 of 2003. What, if 14 you could do it all over again, what would you have done 15 differently that day? 16 MR. TURNER: Is that your question? 17 MR. TORPEY: That's my question. 18 MR. TURNER: Objection as to form, foundation, 19 incomplete hypothetical. 20 THE WITNESS: I don't know unless I am in such 21 a situation. 22 MR. TORPEY: I don't have any further 23 questions. 24 THE VIDEOGRAPHER: Shall we go off the record? 25 This concludes Videotape 4. Going off the record. The</p>	<p style="text-align: right;">Page 109</p> <p>1 CERTIFICATE OF REPORTER 2 I, BRANDON D. COMBS, a Certified Shorthand 3 Reporter, hereby certify that the witness in the 4 foregoing deposition was by me duly sworn to tell the 5 truth, the whole truth, and nothing but the truth in the 6 within-entitled cause; 7 That said deposition was taken in shorthand by 8 me, a disinterested person, at the time and place 9 therein stated, and that the testimony of the said 10 witness was thereafter reduced to typewriting, by 11 computer, under my direction and supervision; 12 That before completion of the deposition, 13 review of the transcript was not requested. If 14 requested, any changes made by the deponent (and 15 provided to the reporter) during the period allowed are 16 appended hereto. 17 I further certify that I am not of counsel or 18 attorney for either or any of the parties to the said 19 deposition, nor in any way interested in the event of 20 this cause, and that I am not related to any of the 21 parties thereto. 22 DATED: November 29, 2007. 23 24 25</p> <p style="text-align: right;">BRANDON D. COMBS, CSR 1297</p>

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